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Government History Documentation Project
Ronald Reagan Gubernatorial Era

THE ART OF CORRECTIONS MANAGEMENT,
CALIFORNIA 1967-1974

Allen F. Breed Theory and Practice in Juvenile Justice

Raymond K. Procunier Administering Your Prisons

With an Introduction by
Sheldon L. Messinger

Interviews Conducted by
Gabrielle Morris
in 1982 and 1983

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PREFACE

California government and politics from 1966 through 1974 are the focus of the Reagan Gubernatorial Era Series of the state Government History Documentation Project, conducted by the Regional Oral History Office of The Bancroft Library with the participation of the oral history programs at the Davis and Los Angeles campuses of the University of California, Claremont Graduate School, and California State University at Fullerton. This series of interviews carries forward studies of significant issues and processes in public administration begun by the Regional Oral History Office in 1969. In previous series, interviews with over 220 legislators, elected and appointed officials, and others active in public life during the governorships of Earl Warren, Goodwin Knight, and Edmund Brown, Sr., were completed and are now available to scholars.

The first unit in the Government History Documentation Project, the Earl Warren Series, produced interviews with Warren himself and others centered on key developments in politics and government administration at the state and county level, innovations in criminal justice, public health, and social welfare from 1925-1953. Interviews in the Knight-Brown Era continued the earlier inquiries into the nature of the governor's office and its relations with executive departments and the legislature, and explored the rapid social and economic changes in the years 1953-1966, as well as preserving Brown's own account of his extensive political career. Among the issues documented were the rise and fall of the Democratic party; establishment of the California Water Plan; election law changes, reapportionment and new political techniques; education and various social programs.

During Ronald Reagan's years as governor, important changes became evident in California government and politics. His administration marked an end to the progressive period which had provided the determining outlines of government organization and political strategy since 1910 and the beginning of a period of limits in state policy and programs, the extent of which is not yet clear. Interviews in this series deal with the efforts of the administration to increase government efficiency and economy and with organizational innovations designed to expand the management capability of the governor's office, as well as critical aspects of state health, education, welfare, conservation, and criminal justice programs. Legislative and executive department narrators provide their perspectives on these efforts and their impact on the continuing process of legislative and elective politics.

Work began on the Reagan Gubernatorial Era Series in 1979. Planning and research for this phase of the project were augmented by participation of other oral history programs with experience in public affairs. Additional advisors were selected to provide relevant background for identifying persons to be interviewed and understanding of issues to be documented. Project research files, developed by the Regional Oral History Office staff to provide a systematic background for questions, were updated to add personal, topical, and chronological data for the Reagan period to the existing base of information for 1925 through 1966, and to supplement research by participating programs as needed. Valuable, continuing assistance in preparing for interviews was provided by the Hoover Institution at Stanford University, which houses the Ronald Reagan Papers, and by the State Archives in Sacramento.

An effort was made to select a range of interviewees that would reflect the increase in government responsibilities and that would represent diverse points of view. In general, participating programs were contracted to conduct interviews on topics with which they have particular expertise, with persons presently located nearby. Each interview is identified as to the originating institution. Most interviewees have been queried on a limited number of topics with which they were personally connected; a few narrators with unusual breadth of experience have been asked to discuss a multiplicity of subjects. When possible, the interviews have traced the course of specific issues leading up to and resulting from events during the Reagan administration in order to develop a sense of the continuity and interrelationships that are a significant aspect of the government process.

Throughout Reagan's years as governor, there was considerable interest and speculation concerning his potential for the presidency; by the time interviewing for this project began in late 1980, he was indeed president. Project interviewers have attempted, where appropriate, to retrieve recollections of that contemporary concern as it operated in the governor's office. The intent of the present interviews, however, is to document the course of California government from 1967 to 1974, and Reagan's impact on it. While many interviewees frame their narratives of the Sacramento years in relation to goals and performance of Reagan's national administration, their comments often clarify aspects of the gubernatorial period that were not clear at the time. Like other historical documentation, these oral histories do not in themselves provide the complete record of the past. It is hoped that they offer firsthand experience of passions and personalities that have influenced significant events past and present.

The Reagan Gubernatorial Era Series was begun with funding from the California legislature via the office of the Secretary of State and continued through the generosity of various individual donors. Several memoirs have been funded in part by the California Women in Politics Project under a grant from the National Endowment for the Humanities, including a matching grant from the Rockefeller Foundation; by the Sierra Club Project also under a NEH grant; and by the privately funded Bay Area State and Regional Planning Project. This joint funding has enabled staff working with narrators and topics related to several projects to expand the scope and thoroughness of each individual interview involved by careful coordination of their work.

The Regional Oral History Office was established to tape record autobiographical interviews with persons significant in the history of California and the West. The Office is under the administrative direction of James D. Hart, Director of the Bancroft Library, and Willa Baum, head of the Office. Copies of all interviews in the series are available for research use in The Bancroft Library, UCLA Department of Special Collections, and the State Archives in Sacramento. Selected interviews are also available at other manuscript depositories.

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Project Director

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INTRODUCTION

Allen F. Breed and Raymond K. Procunier come through the interviews in this volume as persons with very different administrative styles. Breed is devoted to long-range planning; Procunier, by his own account, finds each day's problems sufficient thereto. Breed projects goals for the organization he administers, calls for consideration of the most efficient means to accomplish them, and welcomes research on the results. Procunier, on the other hand, above all wants freedom from interference, including, apparently, the freedom that comes with the absence of articulated goals beyond a general commitment to decent operations. Breed sees his administrative role as one calling for the cultivation of support on a statewide basis; this, in turn, calls for much "committee work." Procunier appears less concerned to cultivate support, perhaps believing that, doing a good job, support will materialize when needed.

These differences in style (and, presumably, the visions behind them) may be more apparent than real; it's always difficult to tell how much talk reflects action. Assuming that they are real, however, may suggest that there are more options for administrative leadership than some analyses would have us believe. However that may be, if the differences are real they certainly suggest that Ronald Reagan as governor was able to countenance considerable variation in the ways his department directors went about fulfilling their tasks. At least in the area of corrections, he was ready to extend considerable autonomy to his department directors.

Both Breed and Procunier make clear that they received little direction or interference from the governor's office during the Reagan regime. Procunier sees this as a function, in part, of his demand for relative autonomy; in other part, he sees it as part of the style of governance favored by Reagan and his associates. Breed adds that the relatively small size of both the Department of Corrections and of the Youth Authority may have had something to do with it. One might also wonder whether the regime had any clearcut aims for corrections. One could easily believe from these interviews (and from much else, I might add) that corrections is only occasionally an area of positive policy concern for state administrations; the main task of directors seems to be to keep it that way.

Both Breed and Procunier suggest some of the ways in which that is accomplished by knowing directors. Procunier refers to "the art of subordination," a most insightful conception. Part of the art would seem to consist in not seeking direction. Another part may be making certain that "directions" which appear to have come from "above" have, in fact, been there generated. Learning how to take such "heat" as corrections is bound to generate is another part, including learning how to leave those "above" in a position to deny that they ordered some action that turned out badly; both

Breed and Procunier apparently well-understood this lesson. Other points in the "art" can be gleaned from these interviews, as well.

Much else can be gleaned, too, some of it not particular to the Reagan administration, but surely of considerable interest to students of administration, generally, and correctional administration, in particular. Procunier's remarks on the importance of "decent authority," perhaps particularly in penal settings, where power is near-total, lead one to wish he had said more about how it is constituted, in his view, and how it is achieved and sustained. Breed's outline of his early goals as department director make one sorely wish that he had had the time to discourse on each, how he attempted to achieve them, and the impediments, as well as aids, he found to achievement. Breed offers, too, a quick, but insight-bringing tour of the difficulties of turning the criminal justice apparatuses into a consciously coordinated system. One wishes he had had time to say more.

The two interviews, together, leave this reader wanting more. This is in no way intended to suggest that they fail to provide useful information: about the problems of administering corrections both generally and during a period of considerable concern with the area, and about how the Reagan regime dealt with this area. Quite the contrary. They are rich sources of further leads for students of these matters.

Sheldon L. Messinger, Professor
Boalt Hall School of Law

10 February 1984
University of California
Berkeley, California

INTERVIEW HISTORY

Allen Breed and Raymond Procunier were interviewed for the Ronald Reagan Gubernatorial Era project to document developments in California correctional programs from 1967 through 1974. Both men were appointed by the Governor from career positions in state service, a rarity in the Reagan administration, and remained as directors of the Youth Authority and the Department of Corrections, respectively, throughout his administration. In addition, both had been trained in California state prisons and youth facilities, references to which are included in each interview. Procunier's mentor was Richard McGee, a national figure in corrections management, as was Karl Holton, who recruited Breed into the Youth Authority as a young World War II veteran.

Interviews conducted by the Regional Oral History Office with McGee and Holton in 1971 and 1972 provide a reference point for California's longstanding concern for professional, humane correctional services. Procunier and Breed reflect a sense of continuity with that tradition, but concentrate in their memoirs on changes in direction they instituted in response to changing social conditions and professional standards. They also discuss their ex officio roles on the California Council on Criminal Justice. They found the council a useful avenue for securing support from the significant federal funding then available, although both express reservations about many of the programs funded through the council; "a sad story," comments Breed. Additional aspects of the Reagan administration's concern for stronger and better coordinated law enforcement are available in interviews recorded for this project with several other members of the council and governor's aides with responsibilities for criminal justice policy.

Breed was interviewed on April 26, 1982, in the office in Washington, D.C., where he then headed the National Institute of Corrections. He devoted a rainy afternoon to thoughtful discussion of the interviewer's questions. He had also taken the time to make a few notes on the issues of prime importance to him, which there was only time to mention briefly. As Professor Sheldon Messinger comments in the introduction to this volume, it would be valuable if Breed would explore in more detail his insights on, among other topics, the nature of "the mature bureaucracy," the tensions inherent in community-based programs, and public attitudes about young people and the law.

By the time the project caught up with Procunier on May 3, 1983, he was director of the Virginia corrections department. In the interim, he had served as head of the California Adult Authority, the state's prison term and parole board; as operations deputy of the giant state health department; and as trouble-shooter for corrections departments in a number of states. The interview was conducted across the conference table in his large, workmanlike office at department headquarters on the outskirts of Richmond. As he talked, Procunier occasionally got up to sketch an idea at the chalkboard behind him. The informal, accessible management style he describes was evident during the interview

as several of his deputies stopped by to confer briefly. Though he speaks more vividly than Breed, the similarity of their viewpoints is evident in such passages as Procunier's vigorous reinforcement of Breed's comment that it was not until the sharp rise in crime in the early 1970s, including many middle-class young people, that there was any real interest and concern about what was happening to juveniles in the whole area of crime control.

Transcripts of the interviews were edited in the Regional Oral History Office and sent to their narrators for review. Both manuscripts were read carefully, and questions asked by the editor were clarified. Breed deleted a few passages he deemed outside the scope of the interview, as did Procunier, who also modified some of the stronger expletives he customarily uses, something of a trademark in dealing with prisoners and prison staff. Breed's interview appears as it was final-typed by his helpful secretary, Charolotte Duvall. Procunier took the trouble to locate the photographs requested to illustrate his manuscript. They were forwarded from New Mexico in December 1983. In the interim, Procunier had become director of corrections in New Mexico and had married Florence Randolph, who has also been interviewed for the project on her work as secretary to Edwin Meese III.

Gabrielle Morris
Interviewer-Editor

7 March 1984
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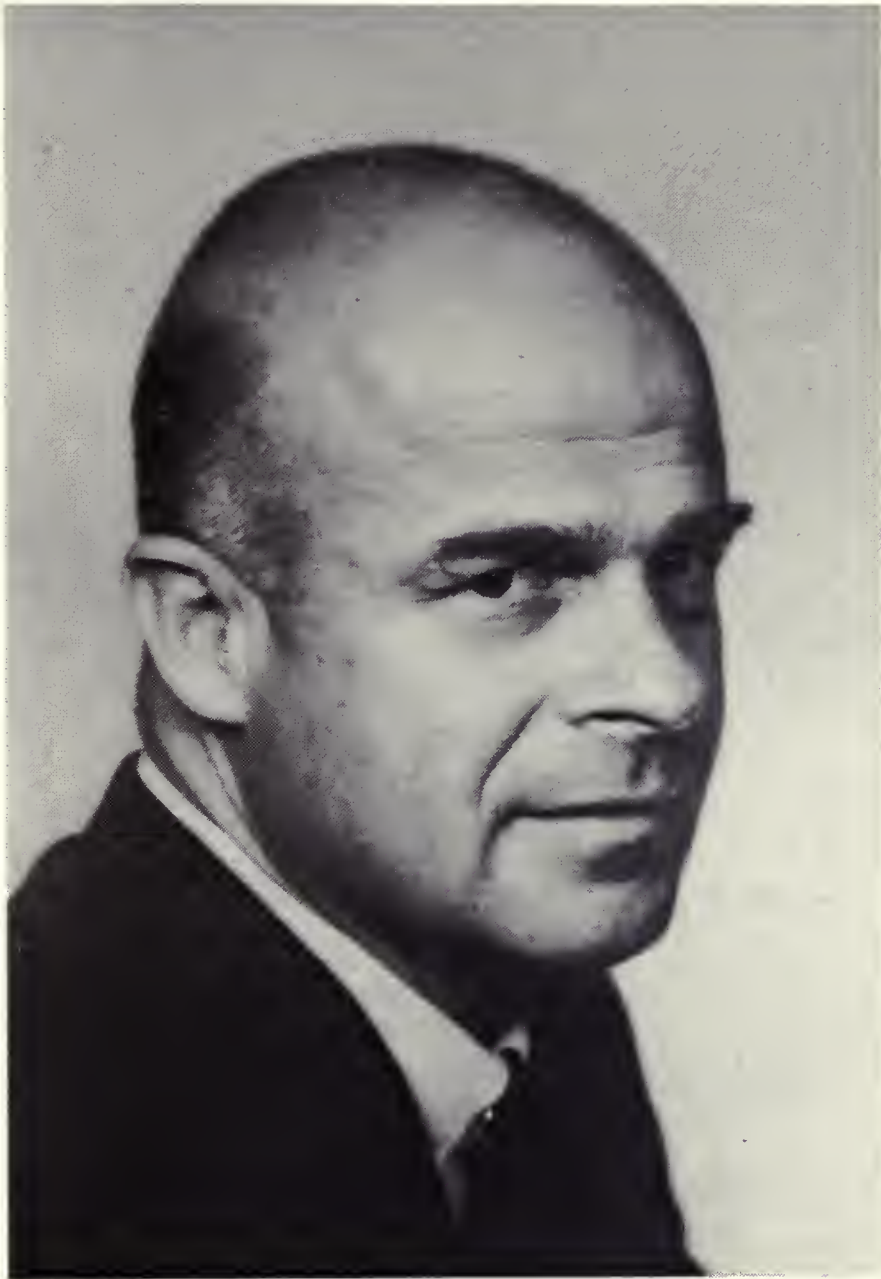
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Government History Documentation Project
Ronald Reagan Gubernatorial Era

Allen F. Breed

THEORY AND PRACTICE IN JUVENILE JUSTICE

An Interview Conducted by
Gabrielle Morris
in 1982



ALLEN F. BREED
Ca. 1983

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I. THE NEW DIRECTOR OF THE YOUTH AUTHORITY, 1968

[Interview 1: April 26, 1982] ##

The Appointment: A Surprising Turn of Events

Morris: I think one of the interesting things is that you had been in the Youth Authority yourself as a career person working your way through almost all of the institutions and then you were appointed director of the Youth Authority.

[Tape problem— initial remarks obscured]

Breed: I had no reason to believe from any of my early contacts with the Reagan administration that there would be anything but a career appointment. The director of the Youth Authority serves for a four-year term. My predecessor [Heman Stark], who had been there for a good many years, was serving out a term that carried over into the second year of the new administration. Early in 1967, Mr. Stark decided that the time had come for him to remove himself from state government. So he involved me more and more in various kinds of administrative responsibilities that brought me to the attention of state leadership, particularly members of the state legislature.

However, I was surprised to receive a call from the governor's office in the spring in 1967; I received a call from the Governor's appointments secretary asking me to come in, and I thought he was going to discuss with me the long-range possibility of being considered for the director of the Youth Authority. After about a two-hour discussion, he asked me if I would accept the position of director, Department of Corrections.

This symbol indicates the start of a new tape or new tape segment.
For guide to tapes, see p. 48.

Breed: I was horrified [laughs] , because I never had any particular interest in the Department of Corrections and was sort of amazed by the turn of events. So I turned it down, and that seemed to be very shocking because nobody was supposed to turn down an appointment at that level. Several days later I received a call from him again saying that he had talked it over with staff and he wanted to know if I was willing to reconsider. I told him that, no, I would not, that I was interested in some day being the director of the Youth Authority, but not the director of Corrections. I was informed quite bluntly that if I could not accept an appointment where my talents were currently needed, there was little possibility that I would ever be asked to do anything else in the administration!

So when a number of months later in that year I was approached again by the administration as to whether I would be interested then in the Youth Authority (because Mr. Stark's reappointment was being considered at that time), I did indicate my total support for that. Now, those contacts were with the appointments secretary.

Morris: Would that be Paul Haerle?

Breed: Paul Haerle, I guess. I had numerous contacts with Paul about these two situations that I have just described, but when the Youth Authority situation began to jell (and that was in the summer of '67), then I had extensive interviews with Spencer Williams [Secretary of the Human Relations Agency], who I thought most highly of; with Ed Meese, who was at that time legal affairs secretary; and with Bill Clark, who was the executive secretary at that time. But after protocol contacts with Bill Clark and Ed Meese, the rest of my time was spent with Spencer Williams.

Morris: In discussing the Youth Authority in general or discussing the pros and cons of your becoming director?

Breed: One really could not separate out the two, although I never felt that there was any real exhaustive effort to find out what kind of a person I was and what my potential as a possible state administrator was. There seemed to be acceptance that I had demonstrated the ability to do the job. It was more in terms of talking about some of the areas of interest of Mr. Williams, the kinds of things that he hoped he was going to be able to accomplish in the period that he was there, and talking a little bit about what was really to be a new cabinet level of government.

Initial Concerns: Delinquency Prevention and the Governor's Task Force

Morris: Do you recall at this point what Spencer Williams was concerned with?

Breed: One of the things that he was most interested himself in doing was something in the area of delinquency prevention. He did not feel that there had been any particular efforts in terms of prevention programs although there had been a lot of discussion, papers written, and positions taken. But the practicality of carrying out any kind of program he felt was sadly missing. And it was, of course; that's when I took a close look at the operating budget and recognized that less than one-half of one percent of the operating budget of the Youth Authority went into delinquency prevention. There had not been that kind of a focus.

Secondly, he was concerned about the volunteers. The governor's task force on economy had studied all of the departments (and the Youth Authority was one of them) and their only recommendation of any substance was that there ought to be a businessman running the Youth Authority. Spencer had some concerns about that, but I think he wanted to feel very comfortable that any recommendations he made to the governor could be supported, in view of this strong emphasis on economy and improved business practices.

Morris: Did any recommendations for a new program—?

Breed: No, there really had not been any recommendations. As I recall, one of the first things I did was to review the report that had been made on the Youth Authority, and it really did not speak to program. It did speak a little bit to some possible reorganization ideas and to a general tightening up of good business practices. That was about the extent of it.

Morris: Had you contact with the task force yourself?

Breed: Eventually; I had headed up all of the institutions in northern California, so they had been down talking with me on a number of occasions and had visited, I think, all of the institutions in northern California. So I had some contact with them.

Morris: How did you find the people on the task force?

Breed: Oh, it varied, as one would expect. There were some extremely well-qualified people, but it is always difficult taking a person who had a lifetime of experiences in one area and transferring him to another

Breed: and thinking that the experiences are going to be applicable. But from the standpoint of general business knowledge, there is no question that they had a great deal to offer state government.

Morris: You found some of their ideas just in terms of management helpful?

Breed: I cannot really honestly state that I can recall a specific program that was adopted based on any recommendations. That one has to operate government with the same sense of concern about operational costs and effective use of resources was a philosophical thrust that came across very strongly, and one which I tried to adapt.

Morris: From your point of view was that a new concern?

Breed: It was not a new concern to me personally and I do not believe it was to most institutions, because institutions by their very nature are little cities and they require a general knowledge of everything from religion to psychiatry to farming to all forms of business management. And our ability to survive seemed to be that we often became better business managers than managers of treatment or rehabilitation services.

But in terms of the total Youth Authority and in terms of government in general, there was certainly at that period a need to tighten up on business practices and to have a better recognition of where dollars were going and what results were being obtained. This approach had not been emphasized in the previous couple of administrations.

The Governor, His Staff, and the Appointment Process

Morris: While you were going through this process of selection as director of the Youth Authority, did you have any contact with Ronald Reagan at any point?

Breed: Only once. I was taken in by Bill Clark to meet him and just chat for a few minutes. He was very gracious and was seemingly very interested in programs for young people. At that juncture I was surprised that the decisions regarding the appointments, at least as far as mine concerned, seemed to be pretty well centered in the Bill Clarks and the Ed Meeses rather than in the Governor personally. I am sure these recommendations were reviewed by him, but I think he just counted on his top staff bringing in recommendations unless he had strong feelings about a particular candidate.

- Morris: Did Ed Meese have some strong ideas about the Youth Authority, coming himself from a district attorney background?
- Breed: He certainly did not express them. We had at least superficial contact prior to those interviews because of his earlier relationship with the California Peace Officer's Association as a lobbyist in Sacramento. We had both been working the halls of the legislature, so to speak; his wife was at that time a deputy probation officer in Alameda County, and the Youth Authority had a very close working relationship with probation. So our contacts in those initial days were more ones of looking forward to the kinds of things that could be done rather than any kind of critical appraisal of me as an individual candidate for a position.
- Morris: So many times the top department people come in from outside of government. But that does not seem to be as true in the Youth Authority as—
- Breed: Probably something needs to be stated to support that position. The Youth Authority was relatively a young organization, only starting in 1941-42, and it only had two directors prior to my appointment. Karl Holton (who was so extremely well known in California) for a short period of time, and then Heman Stark served three governors prior to his retirement.* The tradition had been that the individual appointed should represent the best in professional leadership in juvenile justice, and politics was not to be a factor. I think that the Reagan administration felt very strongly that that approach should be followed in both Corrections and the Youth Authority.

Juvenile Crime: Numbers on the Rise

- Morris: Just to kind of set the scene, when you did come in or were appointed as director in '68, to what extent did you feel there had been a change in the kinds or numbers of juvenile delinquency problems that came through the Youth Authority since you started in the forties?

*See interviews with Holton and Stark in "Earl Warren and the Youth Authority," Regional Oral History Office, Berkeley, 1972.

Breed: Before I answer that question, since this is an oral history, let me clarify dates. As I indicated, the new administration talked to me during the spring and summer and then informed me in August of '67 that I would be taking over the responsibilities of the department. The then-director, Heman Stark, was informed in September, and I was brought in to the central office on what was considered an overlap role. Mr. Stark stayed on until the first of January. So during September, October, November, and December, I had the responsibility for the direction of the department, but I had the resources of Heman Stark to assist me in that, although he played a smaller and smaller role as the months went along. I think that it was a unique decision on the part of the governor's office and on the part of an incumbent to make that kind of transfer of responsibilities and that it is worthy of note. So actually I carried those responsibilities through part of '67, then was appointed initially on January 1, '68, and was appointed again in March of '68 for a full four-year term.

Another element that I think is worthy of note is that the director of the Youth Authority at that time carried a dual responsibility, with two totally separate government appointments. One position was the director of the Youth Authority. The other position was the chairman of the Youth Authority Board, which is a quasi-judicial paroling body for juveniles and youthful offenders in California. Both of those positions required appointment by the governor for a four-year term and confirmation by the senate.

Now, as to the question as to the kinds and numbers of juvenile crimes that were occurring from my earliest period in 1945 to the period in which I took over the responsibility as director. Obviously, the numbers increased dramatically during that period. That was during the tremendous growth of California and it was during a period that was known as the initial baby boom which brought many, many youngsters into the crime-prone age group. By 1967-68, we were dealing with double the numbers. There were fewer coming to us for what were known as status offenses—for example, running away, beyond control of parents, refusing to go to school [behavior considered an offense by law because of the person's age], and there were many coming to us for serious offenses -- offenses against persons and property. In summary, I would just state that the numbers had grown astronomically, and there was shifting away from relatively minor offenses to relatively serious property offenses and very serious offenses against persons.

Morris: To what extent did you see an increase in public concern about the problems of juvenile delinquency, i.e. that something needed to be done?

Breed:

I have never found that there was a great deal of interest on the part of the public about what happens to young people who come in conflict with the law unless it touches on them in some way personally. It could be that they become a victim of a crime or, more and more, particularly during the late sixties, many middle-class Californians suddenly found that within their own homes young people were coming in conflict with the drug laws of the state and the nation.

But it really was not until the early seventies when adult crime or crime in general had risen so sharply and the nature of that crime had become so violent that you saw a real interest and concern on the part of the public towards what was happening to juveniles within this whole area of crime control.

II. BREAKING NEW GROUND

New Programs, New Approaches, New Commitments

- Morris: Moving on to something that overlaps with the area of the California Council on Criminal Justice, I was really interested in the patterns of the juvenile justice report that your subcommittee of that commission turned out.* Somehow I assume that you wrote that. Did you write that report?
- Breed: Yes, I did.
- Morris: You spoke of the Youth Authority as a "mature bureaucracy in need of reorganization." Could you talk a little bit about that and what you might have done about that when you became director?
- Breed: You will have to remember that anything that I wrote during that period had direct impact on my two predecessors, both of them men for whom I had a tremendous amount of personal admiration. In the paper I stated that there is nothing wrong with the whole concept of a bureaucracy, but that as a bureaucracy matures there is a need for change in the way that bureaucracy is led and the role that leadership plays in that process. Positions I took in this regard had to be a very careful balance of not appearing to attack the past while still recognizing the need to make changes for the future.

*"Patterns of Juvenile Justice in California", April 1, 1969. Report of the task force on juvenile delinquency, California Council on Criminal Justice. See Appendix.

Breed:

One of the things that created an interesting situation was that both of my predecessors were basically non-institution-oriented people. They had come into the field of corrections through probation and community-based services, and both of them had taken strong leadership roles in the areas of delinquency prevention. Unfortunately, they both had gotten caught up in the exploding populations and spent most of their time as director building new institutions and managing the department's institutions and camps.

I saw, as an institution person, the opportunity to shift that direction, because of the very early success of the probation subsidy program, to a program whereby dollars that we had historically been placing into the construction or the operation of institutions were shifted to the support of programs at the community level, with probation being the primary emphasis.

So the first two things I did were to make a dramatic shift away from the construction of new institutions and shore up the probation-subsidy programs with a heavy input of dollars in order that we could make this shift, a subvention of state dollars and what had historically been state programs down to the local level.

Secondly, I wanted to take a very strong position in support of what my predecessors had believed in, and see if we couldn't operationalize some programs so that they would truly involve prevention efforts. So we isolated out a few dollars and developed some programs that were specifically directed at delinquency prevention as against just providing consultation and technical assistance services which had been the history of the organization.

I also felt that on a state-wide basis we had grown to the degree that we could no longer utilize a totally centralized organization. So I built towards a very strong decentralized program, and although it basically divided the state on a north-south basis, it also provided for further regionalization within those two zones.

Lastly, from an organizational standpoint, I felt that the leadership in the department at the central level had been there, many of them, for fifteen or twenty years or more, and that these were people who, although they had made a contribution, would find great difficulty in changing programs in which they had a very strong investment. I therefore adopted a form of staff rotation which attempted a reorganization to match the staff capacities with new experience, and in the process allowed openings into which we could bring into the leadership force new, fresh, and younger blood.

Breed: Then there were a couple of other things that I would like to emphasize. Right from the very beginning we made some very strong moves, which were an early affirmative action approach for California. I personally had a commitment to bring into the service far larger numbers of blacks and browns and women. The former were needed because well over 50 percent of our clients were minorities, and yet at that time only about 7 or 8 percent of our staff were in that category. The latter, women, were needed because the female brought to the institutional environment a compassion and understanding, a kind of strength that wasn't physical in nature but nurtured fairness, justice, and humaneness that was just critically needed. We made those two efforts a strong focus of our program.

I also felt that the whole concept of parole and institutions should not be separate, that in some way the concept of the continuity of treatment required that these operations be brought together. So we organizationally brought our parole programs and institutions programs into the same organizational structure, with the same managers responsible for services both in and out. This brought about a sharing of services which had up until that time been almost totally institutionally centered, with a much greater shifting of those resources into parole.

Morris: That's really impressive. That's fascinating. If I had more time, I would like to take you back through each of those.

Breed: [laughs] I would enjoy it!

Operational Independence; Working Through the Agency

Morris: How much of this could you work out yourself with your people in your own administrative unit and how much had to go through or did go through the different Health and Welfare Agency directors at that point?

Breed: As I think about that now, I'm really amazed at the degree of flexibility-- I've got to go further than flexibility; the degree of autonomy in terms of program operation that the Reagan administration gave me. Perhaps that was because we were so small, relatively speaking, in terms of some of the other state agencies; part of it may have come out of sheer ignorance in terms of what state directors were supposed to do in terms of policy and program clearance. I took it for granted when I came to Sacramento that I was supposed to run a department; consequently I didn't go ask anybody how to do it, or if I could!

Breed: I was taught by a good friend who had been my supervisor years back, "Don't ask any questions for which you might get an answer that you won't want to hear." So I never asked anybody permission to do something if I felt that it was something that was my responsibility to do.

Now, that's a long answer to a relatively simple question. But we within the Youth Authority tried to do things as a team. I never felt that I had any particularly creative skills. My strengths were in tapping the skills of others, and so we worked together and tried to figure out the appropriate directions to go. We, from the very first day, did a great deal of long range planning. We were always thinking ahead, and not one year in a budget sense, but five and ten years, in terms of the directions that we felt we should be going. We also carried out a constant re-evaluation every year of that process. That entire process became more sophisticated as time went by.

My early relationship with the agency was the recognition that that was the conduit to the governor's office. I would keep them informed at all times, but I didn't feel any necessity to ask permission in terms of doing anything. To the best of my knowledge, other than limitations placed on us fiscally, none of the agency secretaries ever asked us to do things differently or came around after the fact and said that we had to stop something that we were doing.

Now, even as I detail a management style that required administrative independence, I would be remiss if I didn't state that any issue that might cause any kind of embarrassment or might be counter to the philosophic position of the Reagan administration as I understood it, I felt I had an obligation to take that matter to the secretary and discuss whether it was a matter that he felt the governor should hear.

One example of such action, which I would like to cite because I think it's a particularly interesting one, was a joint concern that Ray Procunier [director, Department of Corrections] and I had regarding conjugal visiting. Both Mr. Procunier and I felt that conjugal visiting was an important rehabilitative element that should be a part of the total experience of a correctional institution. We talked it over with the secretary, who at that time I think was Spencer Williams. He advised us that it was a matter that might be so politically explosive that we probably ought to bring it to the cabinet.

Conservative Support for Liberal Issues##

Morris: So this was cleared through Secretary Williams before it went to the cabinet?

Breed: Yes, I wrote the issue memo and Procunier co-signed it and we took it to the secretary. The secretary arranged for an appearance before the cabinet. The usual procedure was that it went in their briefing books a few days ahead of the meeting and then you were to appear and make a very short summary. Following the opening statement there were questions and then discussion by the cabinet. Then the Governor made the decision.

In almost every case the Governor made an immediate decision; there were very few issues that were deferred for further study or discussion. In those cases, you heard the decision later through your cabinet secretary. Following the discussion regarding conjugal visiting the Governor said, "I would like to talk to you and Mr. Procunier for a moment." He had our memo and he had a little twinkle in his eyes and he said, "This is a very liberal issue." We both were very quiet and he said, "No liberal could possibly support it."

Morris: Oh?

Breed: "But a conservative could, if it's the right thing to do." Then he talked a little about this concept that there are some kinds of changes that can be made that people will support from a conservative that they wouldn't necessarily support from a liberal.

Morris: I don't quite follow that.

Breed: The concept is that if Pat Brown had suggested conjugal visits in correctional institutions in California, the newspapers and the general public might have taken the thing up in righteous wrath and said, "This is just another one of those liberal approaches. We don't believe in it." But if Governor Reagan supported such an approach, people could say, "If he supports this idea, it must not be too liberal. It just must be an idea that makes good sense."

Whether there is a political principle here or not, I am not sure. Sometimes under certain situations, conservative leadership can actually accomplish things or sell to the general public that which a liberal leader might believe in but wouldn't have the support necessary to adopt. Suffice it to say that the Governor approved of our carrying on an experimental program of conjugal visitations.

Breed: On the occasions when we took issues to the cabinet, we always received excellent support. The exceptions would be where it was a matter that required more money, and those were very difficult programs to sell.

Relationship with the Governor's Office

Morris: You mentioned that as long as you felt you were within the territory of the Governor's perspective on juvenile programs you were okay. How did you perceive Mr. Reagan's stance on what juvenile programs should be and what they should have hoped to accomplish?

Breed: I never had any sense of it and never had any discussions with him, so I can't answer that question. I have to feel, somewhat egotistically, that he allowed me to be appointed on the basis that he felt that I could provide leadership in an area which would be generally acceptable to his philosophy and approach. But I never had any discussions with him about specific philosophies or specific kinds of programs.

Morris: There is a fairly broad perception that Governor Reagan's administration was concerned about law and order and that there should be tougher programs, that people should not be treated softly. On the other hand, there is a fairly wide perception that the Youth Authority has been oriented toward rehabilitation and social concerns. Is that a perception that you had and did it produce any kind of stress or strain?

Breed: I always had a sense that the Governor himself wanted programs operated sensibly, humanely, fairly and, because we dealt more with young people-- not as many children as a lot of people think of when they think of the term Youth Authority -- he had a certain warmth and support for programs that provided services to young people who had demonstrated they had difficulty in adjustment. In a broad sense, I felt the direction was support of programs that were efficient, effective and oriented towards helping youthful offenders to become non-offenders.

Now, I am certain that if we had lots of escapes--or there were terrible incidents occurring either in institutions or out in the communities because of the behavior of young people who were identified with the Youth Authority, and that had gone on very often--I'm sure there would have been a lot more interest in the Youth Authority! We were just basically able to operate programs without a great deal of attention. One of the things we very definitely did was try to keep a low profile so that we could do things that we felt had to

Breed: be done without getting a lot of publicity that was going to cause somebody to make phone calls or write a lot of letters and say, "This isn't what we think ought to be happening."

I always told the people in the governor's office, "There are no constituents out there in corrections at all. All you can do is get hurt by us. Let us take the heat." In fact very often I would talk about the lack of any constituency with Ed Meese, and I'd say, "You really don't want to know about some of the things that we do, because if you have to support them later on because of your knowledge of them, they could well be politically explosive. Instead, just fire me! Directors are expendable, but at the same time don't tie our hands in terms of doing the kinds of things we must in a field in which we know so little. Corrections isn't even an art, and it has to be developed in terms of consummate experimentation."

That was the kind of relationship that we had. Let me give you an example of the difference in another administration, because the change in procedure astounded me. Pearl West, who is a very, very fine person, followed me as director of the Youth Authority. Shortly before her resignation -- one of the issues, as I understand it was that she had scheduled a statewide delinquency-prevention conference. She was told by the agency that she hadn't gotten permission from them to have a conference. She, however, went ahead and continued to plan for it and then was brought up short on the basis she wasn't abiding by agency regulations.

It had been unheard of during the Reagan years to ask the agency for permission to have a statewide delinquency-prevention conference. It was assumed that if a department felt that a conference was an important thing to carry out, we should go ahead and do it and that if it needed liaison or any kind of linkage with other departments or with the governor's office, we would obviously make those kinds of contacts and keep them alerted.

During the time I was director of the Youth Authority, we went through a period when people in California and across the nation rioted in the streets and on the campuses. It was a period in which staff were acting out their concerns in militant ways and we had a couple of strikes by some of our particularly community-based folk who felt that we weren't moving ahead rapidly enough in the whole area of affirmative action and services to young people.

I used to contact the governor's office and say, "I think there is going to be a disturbance down in Los Angeles and I am going to be right in the middle of it, but I don't think that there is anything that needs to be done that we aren't doing." There was never any

Breed: effort whatsoever to move in and put controls on and say, "This is what we think you should do" or anything else. It was always just, "Keep us informed and let us know if there is anything that we can do."

Morris: In these situations where there was some real visible acting out they felt you could handle it and that you didn't need any--

Breed: Yes. Once in a while afterwards they would say, "What did you do to those characters that got so far out of line?" I'd say, "I fired two and suspended three," or whatever it was. As time went along, they would never even ask the names. I would really have to say that there was a degree of trust that made even a period that was very, very difficult enjoyable in terms of always feeling that there was that kind of support for what you were doing and not having to contend with any interference.

This relationship existed not just with the governor's office. A similar working relationship existed with the agency secretaries and a lot of others. When I say this, please understand that I am not trying to state that Allen Breed was treated quite differently from anybody else. To a great extent, Ray Procunier and I--he had the same kinds of experiences, and we used to talk about it. It was interesting, because we didn't even see other people in our own agency being treated that way and certainly not in other departments of state government. Generally speaking, rather rigid controls were placed on them. They couldn't even put out a new standing operating procedure without having it cleared through their agency and even sometimes in the governor's office. We figured there were probably two or three reasons for the difference. One is that, as I indicated earlier, that politics as such just had never been a part of the correctional arena in state government.

Secondly, we were relatively small agencies in terms of the size of some like the Department of Motor Vehicles or the Department of Employment. Third, we had taken strong leadership roles and they seemed to be respected.

Morris: Yourselves individually?

Breed: Yes, and they had accepted that and held us accountable.

Working with Agency Secretaries Williams, Vandegrift, and Hall

Morris: That is a particularly interesting point in view of some of the later secretaries of health and welfare. I am thinking of Earl Brian [Jr.] who came from the Department of Health Care Services to the agency spot. As a conjecture, I wonder if the concerns in terms of the government as a whole were gigantic in terms of welfare costs and caseloads and the growth in the health services program that Brian figured that corrections could tend to itself?

Breed: Let's go back through the agency secretaries. Spencer Williams was, as I indicated earlier, one of the finest human beings I have ever known, but didn't ever seemingly have the support in the governor's office that would have allowed him to perhaps have been a stronger leader. He also was more comfortable in areas which had a direct relationship to courts and corrections, law enforcement, than he did in such matters as health, welfare, and employment. Consequently, his relationship early on and his support of Ray Procnier and myself may have been stronger because of that kind of allegiance and our ability to talk the same language with him. He tried very, very hard to form, in effect, a subcabinet, of the directors to do at the agency level what he sensed was occurring at the governor's level. To some degree, we were involved in various kinds of decisions that were made at the agency level. If something were to occur in the Department of Employment, it was a matter that was thoroughly discussed at weekly agency cabinet meetings and he used a kind of consensus decision process.

The thing that Pro and I learned early on was to come in well prepared, with a very strong position. We reported to them what we were doing, not asking their consideration of a position that we were going to take. We came to the agency cabinet meetings with a different frame of reference, and nobody ever confronted or opposed us around any of the positions that we were taking. Of all the various cabinet secretaries in the health and welfare field who attempted to emulate the Governor in his style, there is no question that Spencer Williams gave the greatest degree of effort to that. But he also seemed to be the one with the least degree of clout in the governor's office. He was quite happy when he was able to develop an appointment to the federal bench.

Lucien Vandegrift, who had been his assistant, was a feisty attorney by nature, but he had developed good relationships with subcabinet members in the governor's office. In the time he was there, which was relatively short, he was able to provide much stronger liaison in carrying the message, so to speak, to the cabinet. He was very careful to see that any director who wanted to appear

Breed: before the cabinet could, but he was bored with the idea of holding his own cabinet meetings. As a lawyer he would rather handle everything on a one-to-one basis. So cabinet meetings became something that were only held for ceremonial purposes, not for any decisionmaking or planning.

Then James Hall was appointed secretary. He had some experience in another agency. He, probably, from the standpoint of experience and basic personality make-up, was the best manager of all of them. As I look back upon it, maybe I wasn't as close to Jim Hall as I was to Spencer Williams, but in terms of looking at a good, strong, able manager, one who had been able to make the transfer from the private sector to the public sector and do it extremely well, James Hall would then have to be out and away the most effective secretary.

Thoughts on Earl Brian; Reorganizing the Department of Corrections

Breed: Earl Brian was a shooting star who could create more problems in a shorter period of time than any one human being I have ever known, but he never created any problems whatsoever in Corrections or the Youth Authority, with one exception, upon which I will comment later.

Earl had very strong support from the Governor personally; he had access to the degree that he could get on the telephone and get through to the Governor personally. This relationship allowed a sort of a power and an ability to maneuver that none of the other secretaries had had up until that time. Earl was a maneuverer and a manipulator. He always had a game plan that was laid out well in advance. He wanted to make a name for himself and be an elected official some day.

Morris: That was evident early on?

Breed: Oh, everything that he did, both professionally and socially--he did a lot of things socially, but it was always tied into how he could pull people into situations that were going to help him in terms of power blocs towards his own political ambitions.

Morris: Did he share that with you or others?

Breed: Yes, he did. Let me give you an example of the difference between Mr. Williams and Dr. Brian. Spence Williams used to have a party about every two months for agency directors. It would just be a getting together occasion like you would normally have with ten or

Breed: twelve of your good friends. It was an opportunity for staff in his agency to just enjoy chatting about things that they were doing around the office or, more importantly, about whatever was going on in the world at the moment. There was no other motive to the affair.

Earl Brian attempted to socialize with his directors, but in a very grand style. You always felt the occasion was done as a part of a process to build up power blocs. He'd invite some people in from southern California that he thought would help him in his planned campaign for the United States Senate, and if they had any kind of court or corrections background, then I would suddenly find myself having a command performance to go to dinner that night.

Without question, Brian was the brightest of the group; a very, very keen intellect. The tragedy is that Earl Brian did many things in terms of government reorganization, but with the motive of getting attention rather than with a motive of truly making an improvement in services. Now, one might follow the other, but the motives are different and one would always question Earl Brian's motives.

Morris: Were his skills in the California agency spot primarily of understanding and innovation in organization or was his background in skills more relative to matters specifically of health policy?

Breed: Obviously, his field of knowledge was health services, but he had developed some skills and understanding of the basic tenets of management. Some of his ideas were probably sensible to utilize and others were not. He seemed more interested in trying to demonstrate how he had been able to do the impossible! When he reorganized the Departments of Public Health, Mental Hygiene, and Social Welfare into a single Department of Health Services, he created a monster. Now, there was without question a need to consolidate some of those services, but he consolidated them in a very, very short period of time without adequate staff support or public understanding. In the process, he also destroyed some needed independence, in the sense that checks and balances on various components of the whole medical system were put under the control of one huge bureaucracy. One person could not possibly provide the planning, controls, and leadership that were necessary.

Much of what he attempted could have been accomplished through other co-ordinating mechanisms--but such an approach would not have received the attention that came from the fact that, for the first time in the history of California state government, all medical services were brought into one department of state government.

Breed: The only time that I ever had a problem with an agency secretary was with Earl Brian. After he had reorganized health services he informed me that he wanted to do the same thing with corrections. He wanted to reorganize the Youth Authority, the Department of Corrections, the Adult Authority, the Youth Authority Board and the Narcotics Evaluation Board and place them all into one department.

I tried to persuade him that the various departments had different philosophies, widely different approaches to services, and the clients we worked with were dramatically different. I also strongly stated that bigness doesn't necessarily mean it's better and that we ought to think about such a reorganization very carefully. Typically, Earl Brian dashed into the decision process and said, "We've got a choice here. You're going to do it or I'm going to do it!"

I thought about the ultimatum for a long period of time and wondered whether perhaps that wasn't really a point at which I should leave the Youth Authority. I had been director long enough and would have enjoyed doing some other kinds of things. Then I realized the accuracy of his statement: that if somebody else didn't do it, he would do it and possibly it would then turn out like the Department of Health Services. I decided that maybe one could use that same mobilizing, powerful force, but guide it to bring about some very important changes in how we dealt with offenders in California.

So I told him I would create a plan for one department if he would leave totally to me the basic principles in organizational structure and implementation. He agreed to that. We then shaped a plan, together with Procunier and others, and involved many at the county government level. We decided to make a total change or mix of who had responsibility for what correctional services. The final product called for a heavy subvention of funds for correctional services at the city and county level. The state would have responsibility for only the most serious kinds of offenders. The trade-off was that we would put huge amounts of money into delinquency and crime prevention services.

We carried the proposal through the senate and got it half-way through the assembly when we lost our momentum. The idea was sound, but ahead of its time. I cite the experience as an example of where Earl Brian did take a strong stand organizationally.

Morris: You asked him to carry the political part of the reorganization effort?

Breed: No, I carried the legislation. I acted for the Governor as it became a part of the governor's legislative program. For about six months I did nothing but work fulltime with the legislature. It was a good program. It is still, in my estimation, the best piece of legislation in terms of

Breed: how county and city government could share in terms of responsibilities for working with offenders. Although the basic bill was defeated, certain pieces of the legislation were passed that year. So some good came out of it as well.

The last secretary during Governor Reagan's administration was Jim Jenkins, who incidentally is back here in Washington with the Governor--the President. Jim came in as a caretaker when Earl Brian moved out, and it was for a relatively short period of time. He had been in press relations in the governor's office prior to his appointment.

Morris: I think he had been here in Washington, too, as a contact man.

Breed: He was a contact person for state government. He was California's representative in Washington, D.C. He was well thought of and was seen as a person who could come into the agency for a period of eight or nine months, or whatever was left of the Reagan administration, and hold things together. I think he did well in that role.

Financing New Programs on a Reduced Budget

Morris: I think you have covered a whole bunch of my questions here. One thing that is of interest from our project point of view is the relationship with the Department of Finance. In one executive reorganization, preparation of budgets was turned back to departments, instead of being done by the Department of Finance. How did it affect you actually?

Breed: I am surprised by your question because I can't ever recall this happening. Prior to the Reagan administration, the Department of Finance, if anything, had played a closer role with departments because there wasn't the agency structure. Shortly after Cap [Caspar] Weinberger took over as director of Finance, I had my first run-in with the Department of Finance. The policy had been proclaimed that: "Within the limits of money that is provided you, you make the decision how you want to use that money. If you want to do new things, we are not going to give you any new money. But you will be able to do new things out of savings that you make within your existing budgets."

Breed: I took a look at what we were doing and identified a million dollars that could be diverted from existing programs. Now, a million dollars in those days was an awful lot of money at the state level. I went to Spence Williams and told him I wanted to do a million dollars worth of delinquency prevention, and I said, "Here is the money to do it with." He was just absolutely thrilled with the idea, and we went over together to see Cap Weinberger. We told him what we wanted to do and where we had saved the money. Our request was to shift these savings over to delinquency prevention in tune with the "new fiscal policy." He said, "Thank you very much for helping us reduce our overall deficit by a million dollars! "

Morris: So he just took it away from you?

Breed: Yes, he took a million dollars away from us. We really argued loud and strong, and finally out of the whole thing, Cap gave us a hundred thousand dollars back and told us we could do something.

Those were the first dollars that were ever actually expended in California history for direct-service delinquency prevention programs. But that was the kind of control that the Department of Finance had and continued to have all the way through the Reagan administration.

Now, I will say this: under the Reagan administration, once they decided how many dollars you were going to get, they let you alone and allowed you to manage those dollars. But if they decided, and they decided at varying periods during those eight years, that they had to make a reduction--the first one was 10 percent and the second was for another 10 percent and later on another 5 percent--they told you that you had to reduce your budget by X-factor, and it was up to you to go back and decide where the cuts should be made.

Now, that's good management, but it's terribly hard. It's easier to have somebody else cut your budget, and then you can be angry with them. But from the standpoint of good government, I feel that the Reagan administration allowed directors to carry out the responsibility of running their own departments. I personally felt that during the Pat Brown years, during the Reagan years, and now during the Jerry Brown years that the Department of Finance had and has too strong a role in making some program decisions which really are a program administrator's responsibilities.

Morris: You mean making choices about where you are going to cut money?

Breed: More in terms of coming in with a new budget request. If you come in and say you need a new secretary, Department of Finance staff will argue that way up to the director's level. That should be a program decision. A fiscal control agency should come in and say, "You only have \$120 million to spend for your agency. Now, you tell us how you want to spend it. If you want a new secretary and you want to do away with a janitor, that's your decision." But the Department of Finance has always wanted to get into program decisions that I claim they really are not qualified to do.

Across-the-Board Reductions and Program Priorities##

Morris: Did you ever think it unfair for the governor to say, "We're going to cut your budget 10 percent?"

Breed: I don't want to imply that I wasn't unhappy about it, but I think a governor or president has to set certain parameters on the fiscal resources that are going to be available and how that money is to be allocated. Those are policy decisions that have to be made at the very highest level. Once those decisions have been made, then how the program is carried out should be a program decision rather than a fiscal decision.

Morris: There are people who feel that it is an arbitrary thing to say all departments are going to be cut 10 percent, that this department maybe has greater need than that department and that they should be cut a smaller amount. I would think that each director would argue that their program should take a smaller cut than anybody else.

Breed: And that's exactly what they will argue. Now, I want to be sure that it is clearly understood that I think the governor has to make some choices according to his priorities and the things in which he strongly believes. He should state where he wants to make cuts and where he wants to make extensions of programs. The governor could well come in to his cabinet and say, "I feel we've got to put a lot more money into employment programs. Therefore, they will take no cut and you other people here in agriculture are going to have to take a twenty percent cut." But generally speaking the approach taken by the Reagan administration was that "All you people are doing good things and I'll support them, but we're going to have to reduce the level of government, so we will reduce it evenly across the board."

Morris: In the relationships with the agency secretaries, were there ever those kinds of discussions within the Health and Welfare Agency?

Breed: There were always discussions about it, and no secretary ever seemed to have the strength to be able to say that we are going to take larger cuts in one area than another. There certainly wasn't any willingness on the part of any individual director to say, "I really don't need to do this service and I will be glad to provide that money to somebody else to do something important!" The larger view of how tax dollars should be spent and the priorities that one places on them has never been adequately looked at.

The large cuts were made in the first years of the administration. They were made on a flat percentage basis, although even as I say this, I've got to make a point clear about California. Even though we were required to make two 10 percent cuts and another 5 percent one later on, I was always able to go back to the administration about anything that affected security, custody, safety, or legality. Those were the four principles which they always accepted as having to have higher priorities.

On a number of occasions, for instance, the Reagan administration put a freeze on all personnel hiring--nobody could hire anybody for periods of time. But I would always be able to get a waiver from them in order that, if we had a vacancy in any custodial position, any parole position, those positions could be filled. Even when money was the tightest, if the Supreme Court came down with a decision, as they did on at least four different occasions during the Reagan years, that said, "You have got to do something different about how due process is carried out. You've got to do something different about how parole revocations are carried out," I would take that edict (and almost always these discussions were with Ed Meese), and I would say, "Here is what the Supreme Court says. Here is what it is going to mean in terms of dollars to operate such programs."

And Mr. Meese would say, "I don't agree with the decision, but I believe in doing what we have to do to be lawful, so we'll find the money." Those were always cardinal principles of the administration.

Morris: It sounds as if, with Ed Meese having a law enforcement background himself, you had somebody that you could talk to who understood things the same way you did and who understood the framework in which they worked.

Breed: I think that was helpful, although I would have to be very honest and say that I think Mr. Meese's basic interests and concerns lay more in law enforcement and prosecution than they lay in corrections. In later years, he has recognized that the more efficient and effective law

Breed: enforcement and the courts are, the more the workload is going to shift to corrections and therefore there has to be a shoring-up of those services, too.

Morris: There is a direct cost relationship there.

Breed: Yes.

III. IMPACT OF FEDERAL CRIME PREVENTION PROGRAMS

Juvenile Justice and Delinquency Prevention Act

- Morris: In addition to the Supreme Court, how about the impact of federal programs like the Delinquency Prevention Act and then later the Omnibus Crime Act?
- Breed: We had played an important role in terms of attempting to get the 1968 Juvenile Justice and Delinquency Prevention Act through. At that time, it appeared that we were going to get no support out of the LEAA [Law Enforcement Assistance Administration]. As it ended up, the Juvenile Justice and Delinquency Prevention Act provided just minimal amounts of money to the juvenile justice area, while huge amounts were made available through LEAA. The Juvenile Justice and Delinquency Prevention Act was administered by HEW, and there appeared to be no interest or leadership to carry out juvenile justice programs.
- Morris: Was the juvenile justice bill an amendment to the original Law Enforcement Assistance Administration?
- Breed: No, the Juvenile Justice and Delinquency Prevention Act was passed at the same time as the Omnibus Crime Bill of '68, parallel bills that had no coordinating mechanism. One was operated by HEW and one was operated by the Department of Justice. We came back to Washington, a number of us--in fact, Ed Meese was one of a group of about four that came back--to have meetings with the two organizations to find out what it was going to mean to the states. Our briefing by HEW was a most complicated experience. Our hope was that, at most, in two or three years we might find out what they wanted in terms of preliminary planning in order that we could even submit an application for funding. At LEAA, however, people seemed to have their act pretty well together and were assuring us that there would be dollars available to the states quite early on.

- Morris: In California there had been an earlier organization called the California Council on Criminal Justice--
- Breed: That was an organization created by state statute before the LEAA legislation required that there be a state coordinating body.
- Morris: That is what is unclear. I have a list of members here, from a 1972 report. [See next page]
- Breed: Really it was legislation passed by the California legislature in the hopes that there could be a greater degree of coordination between city, county, and state, but with no dollars attached to it. It was totally a planning body. The early meetings, under the chairmanship of Attorney General [Thomas C.] Lynch, were more philosophical in nature and stressed that we could do a better job of working together. The required meetings were seldom called and were of very short duration.

It wasn't until the dollars became available from LEAA that this group took on any importance when suddenly they found that there were going to be millions of dollars coming into California. Immediately everybody began to stake out their claim. And at that point the whole operation of this body became a great deal more important to the governor's office. Up to that time the governor's office had only provided a place for the council to meet and a little secretarial assistance, with occasionally a staff member attending. Herb Ellingwood, who by 1970 had taken over as legal affairs secretary, was given almost a full-time responsibility of representing the governor's office on that body.

I don't know how much you really want to go into the work of the council, but in the very early days of LEAA funding, it was a very interesting process of grabbing off the dollars by whatever method you knew how to use. I thought quite early on that the Youth Authority ought to have a percentage of those dollars, and I struck an agreement with Procunier that we'd split down the middle all of the dollars we could get for corrections. Law enforcement and courts were much larger organizations than we were, and we'd never even come to council meetings with specific programs in mind before then.

We just came in and said, "We want our share of the dollars," and the council gave it to us. It wasn't until we had been operating for about three years that the council began to develop a plan, and we then began to have to go in and really support specific kinds of programs to get the dollar availability. Then the competition got tighter and tighter as cities and counties began to flex their muscles and began to really focus in on how the LEAA dollars were to be expended.

Increased Funding

Morris: Did Washington have some formula by which they divided up the pot and said, "California gets so many millions of dollars?"

Breed: Yes, California got so many dollars, a percentage of which had to go down by a statutory mandate to local government. Local government wasn't too well defined, and this created problems between the private sector agencies, cities, and county government. Then a certain amount of the funds could be held to use discretionarily at the state level, and a certain amount of it could be utilized for state agencies.

The state agencies at that time were under Ralph Kleps, administrator of the courts, and he didn't have very much strength. The Highway Patrol had a hard time justifying why they should get a lot of dollars for law enforcement, because all they did was arrest speeders and drunk drivers. Gene Muehleisen, from POST [Commission on Peace Officer Standards and Training] couldn't ask for any more money because he wasn't spending even fifty percent of the dollars that were being made available by a percentage of all fines in California which statutorily came to them. So what it really meant was that the Department of Corrections and the Department of the Youth Authority took over all the state dollars in the very earliest years and we really augmented programs. We were able to experiment with new programs and augment existing ones.

And then as time went along and the priorities began to develop in the governor's office and they realized how many dollars were really there, control of LEAA funding began to shift. The governor's office wanted a far better information system with the ability to gather criminal defense data. California had led the way in developing information systems long before any federal dollars became available, but they were still in a very elementary stage; they had not really progressed into electronic data processing and the sophisticated techniques of more recent years.

So huge amounts of the state LEAA dollars, then, were made available for information systems. The highway patrol began to get dollars to improve their communication systems. Everybody began to get dollars and it became harder and harder for Corrections to get them.

Morris: But the size of the pot remained the same.

Breed: The size of the pot actually increased, but the share available to corrections got smaller and smaller.

Problems with the Law Enforcement Assistance Administration

Breed: This state council became more and more of a political animal. There have been some interesting studies made as to how LEAA funds were used in all fifty of the states. It now appears that some foolish expenditures were made and not always for law "enforcement" related activities. We in California did not do things like some of the southern states did and actually buy tanks and airplanes. But the real hope of LEAA was that we could improve the efficiency of the criminal justice system through good, sound planning, and that never happened. It never happened in California and probably didn't happen in very many other states.

Instead what occurred was that a group of people were given the authority of allocating federal dollars. It became tremendously political and power blocs were formed.

Morris: Within the membership of the council?

Breed: Yes, in terms of "if you'll support me on this, I'll support you on that." Even with such blocs, there was never a very strong governor's program. There were more local people on the council than there were state people, and this caused a constant process of compromise to obtain even minimal funding for state programs.

Morris: The governor's office really couldn't make itself heard in this group.

Breed: Not as well as they would have liked. They did have the power of appointment for many of the positions and this helped. They learned very rapidly how to use that power. They would put a person on for a year, and then they took him off if he wasn't being cooperative in terms of how he was working with the other members. So you saw towards the end of the Reagan administration a group of people who were working more and more as a team, at least in trying to focus on how the dollars were being spent around certain principles and a certain philosophy.

You have to remember, though, that the council was not entirely appointed by the governor. Part of it was appointed by the governor and part of it was there for ex-officio purposes and part of it was appointed by the senate and the assembly. Collectively you had a group of people who, had they ever been able to jell around some leadership and jell around some planning, could then have focused on how the criminal justice system could operate more efficiently and more sensibly. If that had happened, great use could have come from the federal dollars. When LEAA, during the last years of the Carter administration, was up for grabs, the fact that little support came

Breed: from the state and local level speaks to something that went wrong. When that many millions--and over the period of eight or nine years, billions--of dollars were subvented down to the state level [and] there wasn't enough support even to continue the program when Congress reviewed it a year ago.

Morris: Even though it meant money?

Breed: It meant money, money without adequate federal control. People were so tired of the wrangling, the hassling, the bitterness, and fighting that came out of the councils--duplicated fifty times over around the country. Programs were started at the local level with an influx of money and continued for a couple of years, and then the money was grabbed away. State and local government did not have the money to support the continuance of programs. The federal government discouraged continuation grants because everything was supposed to be done experimentally. The federal dollars were just investment dollars.

But the main problem was that the bridging of law enforcement, prosecution, and courts and corrections into a unified planning process never occurred. It was always fragmented, always separate, everybody trying to protect their own turf and domain. That's the sad story of the California Council on Criminal Justice.

Morris: That's too bad, because it was certainly visible at the local level and it certainly involved a tremendous amount of money.

Breed: Another part of the California problem was that in getting off the ground you had a chairman who was of a different political party from the administration. There was never the feeling of real support and working together between the attorney general's office, which was the chairman, and the Governor's office. I am sure that the governor appointed Mr. Lynch because he felt that it--not that he was required to--but that he felt that it was an act of coordination. Unfortunately, that coordination did not occur at the state level in the early days of the program.

Morris: I was wondering if that was an ex-officio appointment.

Breed: No, it wasn't. Yes, the Department of Justice was to have an ex-officio position, but the chairmanship was made by the Governor. But the governor chose to appoint Mr. Lynch as chairman. I think in retrospect that that was probably an error. Secondly, during those years, there wasn't any strong, capable leadership at the executive director level. There were two or three people in the first three years, none of whom was ever able to carry off that particular kind of responsibility. Later there was Mr. [Robert H.] Lawson, who is a very fine person but who is not a strong manager and certainly not a strong leader.

- Breed: Then they brought a fellow in by the name of [Anthony L.] Palumbo. Palumbo used the council as a sort of political base to reward a lot of people. Many became very concerned about his methods of operations and his program priorities. I really don't want to castigate Palumbo or any of the others. I think that the essence would be that there wasn't strong executive leadership. In the chairmanship you never had the strength, nor did you have it in the executive director.
- Morris: From the minutes that I have seen of those early, early meetings, the sense I got was that Mr. Meese was very much there and very much concerned, which to me indicated that the governor's office felt that this should be gotten off the ground.
- Breed: I don't know at what point you reviewed the minutes, but I don't think Ed Meese ever attended any meetings after maybe '69 at the latest.
- Morris: Right, because then he moved into the executive secretary's spot and by then there was an executive director on board.
- Breed: There was an executive director but a very, very weak man. In fact, he wasn't even able to pull together a California plan that would meet the federal government requirements. The council in '69 or '70 sent three of us back to see if we could negotiate it out with LEAA, so that California could be accepted. We hadn't even gotten any money and it was just very bad staff work. In effect, what you had was a group of part-time people that came together for about one day a month and divided up the spoils.

When Evelle Younger came in [as chairman], there was a closer working relationship between Younger and the governor's office, obviously, but he never saw the council as a priority of his. He saw the council as a governor's office program, and he was more interested in having things seen as his. So during this period, he appointed a lot of independent commissions to study various criminal justice problems. He acted as chairman of these so that he could derive a more direct kind of recognition for the things that he was doing.

Another problem of the council, in addition to the weak executive directors, was that they hired staff right and left as they got more and more money, and you had a bureaucracy in the most negative sense of that word. It didn't stay little. It grew until at one time there were over 350 full-time employees working for the California council and everything just sort of got out of hand. Why do you need 350 people to help develop a plan? They shouldn't have been doing anything in terms of carrying out programs, and consequently they vied with each other for power and control.

Breed: I don't want to use terms like mismanagement or misuse of funds. I would like to say, however, that the hopes and dreams that Congress had for some kind of federal assistance and for an improvement in the planning capacities and the working effectiveness of the criminal justice family--just never happened.

Planning and Coordination

Morris: It is a very large order. We talk to a number of people in this kind of a project we are working on who have an extreme reluctance to planning as an idea. During this same period there was a whole lot of activity going on in terms of land-use planning that seems to have [also had] the same difficulty in pulling things together and getting a central focus and a continuity.

Breed: You are really doing two almost diametrically opposed kinds of things. One is that you are trying to pull together the criminal justice components which have never come together. But at the same time, you are attempting to do something at three levels of government. Then you hope you can get these two processes meshing together. It was probably more than anyone was really capable of doing. In retrospect, you can think of a lot of things that might have been done differently, but that isn't particularly the point of our discussion now. It's that just California didn't fail in this. The country as a whole failed in it because, to the best of my knowledge, no state was ever able to do that kind of bridging and that kind of pulling together.

Morris: How about specific pieces of it like the Crime Technological Research Foundation?

Breed: That was another California program that had nothing to do with LEAA. That was a separate act of the legislature and probably, basically, was in conflict with some of the responsibilities of the council. But because the legislature had passed two separate statutes, state officials tried to make both of them work.

The California Crime Technological Foundation was made up basically of researchers and academicians. They were supposed to look at things in terms of the scientific community and then make research recommendations to the California council. Incidentally, a research function was included as a responsibility of the California council and the LEAA requirements of each state. Finally, the California council felt a little badly, so they gave them [the CCTF] a little money to operate because the legislature hadn't given them any money.

Breed: Unfortunately, California was saddled with these different kinds of bodies having similar functions and none of them having a direct relationship to a thought-through and planned-out way of going about business. It was a crazy patchwork of different kinds of organizations with people in good faith trying to do their very best. I can remember I had one of our senior staff members sit on the crime technological group, and we tried to feed things through him so that they could make certain kinds of recommendations. Then he would come and make recommendations to the council.[The CCTF] very easily could have been a subcommittee of the council itself, instead of a separate organizational entity.

Morris: That I gather was one of the recommendations when there was a fuss in front of the legislature.

Breed: Judges got all upset at one time in California because they felt that the separation of powers wouldn't allow a planning group like the council to determine what it was that the courts should be doing. Although judges were left on the council, they formed another group through their own judicial organization and then determined how federal money should be spent in the courts of California. They then came in and their program was rubber-stamped by the California Council on Criminal Justice as its courts program. That flies right in the face of the whole concept of coordination. Coordination would mean that some cops and some corrections people and some prosecutors ought to sit face-to-face with judges and say, "Some of these programs just really don't make sense."

Even as I decry such an approach, I have to admit that the Department of Youth Authority wrote the juvenile justice program each year for the council and it was incorporated without ever changing one single word of it. In fact--

Morris: So that in that sense it provided an opportunity, it sounds like, for different agencies to do things that they wanted to do anyhow but hadn't been able to raise some money for.

Breed: What I did was go to the council and say, "Look, the legislature has said that the Youth Authority is responsible for juvenile justice planning in California. This council exists so you can get the federal dollars. However, you are not going to violate what the legislature in its wisdom has decided shall be our state planning organization. So don't go hiring a bunch of people and plan what should be done in delinquency prevention, juvenile corrections, youthful offender programs, et cetera; give us the money and we'll do it." So that's exactly what they did. I had anywhere from ten to twelve staff at all times paid out of council funds doing the planning for the Youth Authority! We felt that we had to do it so that there would be some

Breed: kind of continuity and consistency. But really from the standpoint of good sound planning, it didn't make sense and it shouldn't have happened.

Getting Proposals Through the Back Door

Morris: How about the role of the legislature in this? They had criminal justice committees and they were great for making plans too.

Breed: Yes, it was very, very difficult, and there existed an almost constant strain. It depended to some degree upon who the members of the legislature were that were on the council. I always tried to work very, very closely with those members of the legislature, so that there would be a tie-in from the juvenile justice aspect of it. But often they would get so frustrated with the council activities that they wouldn't even come to the council meetings. I would guess that if the minutes were checked, you'd find that there was less than fifty percent representation of members of the legislature over the years.

Morris: But did they have any kind of oversight?

Breed: No. That's one of the things that they objected to. They complained justifiably that an agency--let's use one other than my own--the Department of Corrections would come to the legislature and say, "We want to have a halfway house for drug abusers in Long Beach and it is going to cost us fifty thousand dollars a year." The legislature would review it and say, "No, we don't believe you should have it," and turn the proposal down. Then the Department of Corrections would take their plan to the council and say, "We want to have a halfway house in L.A.," and the council would approve it. So then you would be operating a program with federal dollars at the state level in an area and in a program sense that the legislature had said shouldn't be done. Well, after a year or two of that, the legislature learned to penalize agencies that came through the back door. They actually took money away for other programs and said, "Go use your federal dollars to support that which we had said you can't have."

Information Systems vs. Confidentiality##

[Phrase lost when tape turned over]

Morris: The council also recommended improvements and increases in record-keeping.

- Breed: There are negative and positive aspects to information systems. Simple little things such as being able to know, when an offender gets arrested in Red Bluff for car theft, whether he has any kind of a criminal record in Glendale or San Diego are crucially important. Although some of that information was beginning to come in before LEAA days, the fact of what happened to the person who was arrested for stealing a car in Red Bluff, when he went to court, whether he was placed on probation, what happened then, or if he went to jail, how long did he go for--any of that kind of information never really existed. In fact, if you went before a legislative hearing and the senators asked you how many people were on probation in California, that information wasn't even available. Sometimes I wonder how available it is even today. The recordkeeping continues to be a very, very difficult problem. The negative element, of course, is who handles and what use is made of some personal information that has no direct law enforcement relationship. But generally speaking, information systems have been slow to develop.
- Morris: Even though the storage and retrieval has improved and the availability?
- Breed: It's better, but there are many problems yet in terms of the tremendous mobility of people. Just being able to keep track of them is difficult. The whole area of privacy concerns many of us: How often can people be checked and what kinds of records can be kept on them.
- Morris: Swinging back briefly to the agency operation, these same concerns were very much an issue in the health care and welfare fields. Are their concerns about recordkeeping the same as in the correctional services?
- Breed: No. Foster homes, as an example--it is terribly difficult to trace the kids. Children have been placed in as many as forty or fifty foster homes over a period of five or six years and no one agency even has the records on what has happened previously. Particularly difficult is the situation if the child moves or runs away or gets picked up in another kind of setting. In most of these cases, you don't even have access to any kind of fingerprints or any other kind of records to establish identity or previous case history.
- Morris: When I talk with people in the health and welfare field, their concern has been confidentiality as an immovable barrier, but it doesn't seem to be as much of a problem--
- Breed: It isn't for children in juvenile court, which has still maintained confidentiality of their records. But with adults we should have a better fix on where people are and what they are doing. There is still a lot of

Breed: objection to recordkeeping beyond a person's being arrested again. When people ask for success programs--as, for example, how many people who came out of San Quentin in 1965 ever got into trouble again, I would suggest that the answer is, "We don't know." We just don't know. We could certainly tell you about some that have been rearrested and sent back into the Department of Corrections, but we can't tell you anything about people who have moved to Nevada or people who have gotten into trouble on a less severe level, so that their records haven't gotten into the state criminal identification bureau or the FBI files.

Recordkeeping in corrections is still in the 19th century--I remember how amazed I was when I was riding around with a police officer in Los Angeles and he said, "Gee, that looks like a hot car in front of us." I said, "What do you do now?" He said, "Just a minute," and he tapped out on his mini-computer and was able to tie in within a period of about fifteen seconds that it was a car that was stolen in northern California.

The same way when police make a stop and have somebody who they think is a suspect they just don't feel too good about; they know they can get instantaneous information there at the scene of the accident or the scene of the event. Such information prevents you from having to go all the way into the station house and put a person in temporary hold while you make checks and run a fingerprint check. Such requests used to have to come back to Washington and then two weeks later the information would come back to the police agency. Meanwhile, the guy is locked up on charges when maybe he shouldn't be on the basis of his criminal record.

All of this kind of information is now refined and the systems are tremendously sophisticated. Even more important for us in corrections, the systems tell us a lot about what kinds of programs are working and what kinds of programs aren't working.

Morris: You are beginning to get a sense and a handle on it?

Breed: Yes, and LEAA did so much of the pioneering work. LEAA put a lot of money in drug programs; it put a lot of money in halfway house kinds of programs; it put a lot of money into alternatives to incarceration. The idea that all LEAA did was hardware and information systems is just a misnomer. They did a lot of good things.

Creating the First Youth Service Bureau

Morris: The basic outline of LEAA: did that relate back to some of the concerns that were outlined in the report of the president's commission, The Challenge of Crime in a Free Society?*

Breed: Yes, and people went back, particularly in the early days, and took a look at President Johnson's commission to find out--whether it was law enforcement, in courts, in corrections, or prosecution--what were the programs that were recommended? I always remember--this dates back before even any big dollars came out, but I hadn't been in my new position very long when Senator [George] Deukmejian [governor in 1983] came over to visit me. I had never met him before, although he had been with the senate for a couple of years. I was just very impressed that he had come all the way over to my office to meet me.

He said, "I just got through reading the President's Commission's report and they talk about youth service bureaus. I want somebody to explain to me what a youth service bureau is." And I said, "I must tell you that nobody knows. It was an idea that the commission dreamed up because they felt that there ought to be some kind of substitute to just arresting kids and putting them in detention, and so they called a hypothetical program a youth service bureau. Nobody has ever described yet what a youth bureau is, how it would operate or what it does! "

Senator Deukmejian said, "We ought to get together then and create some here in California experimentally." That hundred thousand dollars I told you that we finally eked out of the million that we saved, with Senator Deukmejian carrying the bill for the Governor, that was the first delinquency prevention program to be put through in California. The first youth service bureau in the United States was in California.

I consider the commission report to be the most analytically well-done document on criminal justice that exists; it is much better than the guides and goals that came out a few years later and better than any other set of recommendations on criminal justice.

*U.S. Government Printing Office, Washington, D.C., 1967.

Morris: Crime in a Free Society?

Breed: Yes.

Morris: I haven't read it as carefully as I should, but the summary report sounds to me like--what, fifteen years later--that there has been progress in most of those areas, or at least they are visible as areas of concern.

Breed: I really want to emphasize that there were an awful lot of good things that were done with LEAA funds that basically should have been done out of state funds. State funds weren't available for new ideas; historically in California they never really have been. We have a reputation out in California of being a terribly progressive state, and we are, compared with some others. But we haven't put a lot of dollars into experimental kinds of programs. I don't care whether you are talking about welfare, education, or corrections. California talk is better than its game!

But we were able, as an example, in the Youth Authority, to do a lot of different things. One is, we wanted to see what a smaller living unit would do in terms of reducing misbehavior and assaults on staff and general ability to better adjust to an institution program. Of far greater importance, how could we help people respond better after they left the institution. We couldn't get the state to finance such programs. We took LEAA dollars and set up some experimental programs and, far more importantly, we were able to hire researchers as well, to review the progress. A lot of our community treatment programs, that really were in the forefront of all experimental community-based services across the country at both the adult and juvenile level, were done experimentally in those earlier years with LEAA dollars.

We became very concerned about something--just to give you an entirely different kind of example--about how grievance procedures could help to reduce conflict and to resolve issues and concerns of inmates. The whole correctional grievance procedure was pioneered in California--

Morris: This was for young people in custody, not for the staff?

Breed: Yes. The grievance procedure that eventually was expanded system-wide was first funded with experimental dollars out of LEAA. And I could go on ad nauseum in giving various examples of how cities, counties, and state were able to use dollars for that kind of experimental programs.

Morris: Did the experimental program involve any in-kind costs or anything like that out of the state General Fund?

Breed: In the early days you had to come up with some kind of a match. Sometimes it was soft and sometimes it was hard. In the very earliest days, it was a hard match. The Department of Finance was willing to come up with that hard match for no other reason than they were getting ninety cents for every ten cents they put up. Later on, though, particularly in programs that went into corrections which came out of what were known as "E" funds-- Section E of the LEAA legislation-- didn't require any kind of match at all. We received a hundred percent dollars on most programs.

But even with the so-called soft match, if you wanted to come up with an experimental program in parole and you put up two parole officers and got yourself ten parole officers, it was well worth the investment of the two.

Oh, I've got to mention one other program. One of the things we really wanted to do was reduce the caseloads in parole. We had gotten caseloads down to about seventy parolees to each parole officer. We knew that that number was too large, and we knew that we would like to get it around twenty. We thought, however, if we could get it down to fifty, that it would be a workable level and possible to finance after federal funds were gone.

The idea of reducing caseloads that much had a sizable price tag. It would be around four or five hundred thousand dollars. So I finally talked the Department of Finance into--if we were able to prove over a three-year period that we could reduce recidivism [the revocation rate of those coming back to parole] sufficient in amount to justify that kind of an additional expenditure, they'd continue the program. But we could never have received state funds of five hundred thousand dollars a year for three years to prove our assumption. LEAA provided the necessary seed money. We proved with empirical data that we could improve the success rate of those on parole and were able later to get state support for the reduced caseloads.

That's enough on the CCCJ!

IV. ADVISORY COMMISSIONS: FINAL THOUGHTS ON THE ADMINISTRATION

Citizen Input and Involvement

- Morris: I wanted to ask a question that I don't think relates just to CCCJ, but I think it does to the broad range of the Youth Authority. It's the level of citizen involvement and the impact that that has on the success of some of your programs. Going back again a long way in California, they had coordinating councils, and I wondered if those were a forerunner of the service bureau, the effort to get schools and youth recreation programs--
- Breed: In particular, Alameda County had the first one.
- Morris: Sure, that's where [August] Vollmer was; he's credited with that idea.*
- Breed: That was the seed or whatever you would want to call it of the Youth Service Bureau concept.
- Morris: Yes, that was what I wondered.

*For interviews on Vollmer's ideas on interagency cooperation as Berkeley chief of police and University of California professor of criminology, see "August Vollmer: Pioneer in Police Professionalism", Regional Oral History Office, Berkeley, Volume I, 1972; volume II, 1983.

Breed: No question about that. And to answer your other question, the Youth Authority really was founded on citizen support and concern (or reverse that order). The legislation which was passed, and later when California's juvenile court law was rewritten, was done entirely through very strong citizen input. We had some organizations that just accepted the Youth Authority as one of their basic responsibilities. One of the most important ones was the California state PTA [Parent-Teachers Association] and another one was the League of Women Voters. These were all women's organizations. In those days that's where volunteers were. And the Federated Women's Club, to name a third, played a tremendous, key role.

I can remember one time shortly after I came in as director, the PTA at the state conference passed a resolution that any legislation introduced that was contrary to the purpose and principles of the Youth Authority was to be fought by the Congress of the Parent-Teachers Association. It wasn't a case of where there was to be a careful analysis and then a position contrary to the best interest of the Youth Authority was to be opposed.

Morris: That the Youth Authority thought was--

Breed: Yes, was contrary to the purposes of the Youth Authority would be opposed. They opposed all kinds of legislation in the early days, as did the other groups, I mentioned. On top of that, we always had a very strong governor-appointed commission; the Governor's Advisory Committee on Children and Youth. From the early forties, this Commission was one of the real strengths for services to children. The governor had always appointed real, good people, terribly influential people.

Morris: What happened to that body in the sixties and seventies?

Breed: I can't say that the Governor was opposed, but certainly the people around the Governor were opposed to any advisory group--they didn't like boards and commissions of any kind. They liked ad hoc task forces to address a given problem and then cease to exist. Jerry Brown doesn't like any kind of advisory group either, because they make advice contrary to what he wants and then he doesn't know what to do with it. But in the case of the Reagan people, it seemed a much stronger reluctance to use advisory groups. With any group which they weren't able to control, they were concerned about what would be recommended. So the best way to deal with that concern was to just not have any.

Task Force Dismantling of Appointed Commissions

- Breed: One of the earliest things that the Governor's task force on economy [Survey on Efficiency and Cost Control] recommended was that many of the existing boards and commissions be abolished. The Governor used to love to talk about the number--something like seven hundred different commissions and boards that he appointed. So they got a task force together and they just went through and cut them out right and left. In the process, they cut out the Governor's Advisory Commission on Children and Youth, which was really a tragedy. That was a terrible loss. There was another one--
- Morris: The people I have talked to who were on it considered it a shining part of their lives, really a tremendous loyalty.
- Breed: Oh, they were such good people, and the Youth Authority always acted as staff to the committee.
- Morris: Yes, I thought that was a very interesting strategy.
- Breed: [laughs] I'm not quite sure how that one all came about, but we sort of co-opted the staff process, at least by providing it for free. Later when some other agencies of state government wanted to get in the act--we had established a long record of satisfactory service and it would have been difficult to remove us. Education wanted to get in very badly and so did Welfare and Mental Hygiene and a lot of the others. We made the executive director of the Governor's Advisory Committee on Children and Youth a Youth Authority person, and the staff that worked with him represented all of these agencies. The committee did a lot of good things for kids.
- Morris: That's an interesting interagency device, too. Did that disband when the governor's advisory committees disappeared?
- Breed: Yes--the staff group was disbanded when the committee was abolished. I went around and complained about the committee abolishment. They said, "Oh, it was a mistake. We didn't mean that." I said, "Let's reappoint it." "Well, we aren't going to appoint anything right now." We also had a delinquency prevention commission made up of only six or seven people. That remained for a couple of years afterwards. Then they again reviewed all the boards and commissions and got rid of some more. The delinquency prevention committee went down the tubes at that time.

Breed: I had authority by law to appoint any committees, commissions, et cetera, needed to carry out the work of the department. So I formed a number of groups, and one of them was a state advisory committee to the Youth Authority. It consisted of about twenty people, and these were all power brokers in the youth field. That group continued to meet even into the Brown years.

Mobilizing Public Support; Remembering Helen MacGregor

Breed: We did use a lot of citizen action, a lot of citizen support. We felt that it was crucial that we have that kind of interest, that kind of concern, and then that kind of power when it came to mobilizing support for positions. A year or so ago Governor Brown decided to separate the Youth Authority Board and the Department of the Youth Authority. Such action would not have been possible when strong citizen support groups existed. There was no opposition that could be developed because there wasn't anybody that had been kept informed and involved and who felt an investment. Consequently, there wasn't anybody who even came and testified on the issue one way or the other.

Heman Stark was a great one for gimmicks and things of that nature. His whole background had been in community organization in L.A. County, he really was a master at public information and citizen involvement. He formed what was called the Youth Authority Associates. This organization was composed of people who had made an outstanding contribution to children and youth in California. They didn't appoint too many of them, so it had great importance. We'd make a grand affair out of the presentation of appointment with a big scroll. In later years we formalized the group by having them meet together once or twice a year. There were about fifty or sixty people, and these were people who as they got older, unfortunately, lost some of their power, but never lost any of their reputation. Helen MacGregor, whom I'm sure you recall, was a good example.*

Morris: I certainly do.

*See Helen MacGregor, "A Career in Service with Earl Warren." Regional Oral History Office, Berkeley, 1972.

Breed: There was a tremendous potent force in this group. I would have them come up to Sacramento and would spend a day just briefing them in terms of what we were doing and what we were planning to do. We would then get their reactions to our plans and spend two or three hours developing a consensus of recommendations. They wanted us to put out a little monthly paper to them so that they could keep track of whether we were following their recommendations.

I believe those kinds of inputs from citizens are crucially important.

Morris: Were those community groups bringing new ideas to you or were they in a sense verifying the things you brought to them?

Breed: Both--Helen MacGregor, just because she is known to you, is a good example. Helen went over to Scotland for a year and studied at the University of Edinburgh and came back with more ideas than we were able to absorb. Helen was always that way. After she retired and wasn't doing anything vocationally, she never retired from her--

Morris: Her concern.

Breed: Her concern and her creativeness. She would run into something in the newspaper or hear a lecture and ideas would begin to jell. She would work the ideas through and then share them with us in the department. We had many people doing similar thinking and recommending, so that we had constant input coming to us. We also tried to do a lot of interfacing with young people. We really tried to keep very much in tune with how young people felt about the kinds of things we were doing.

Morris: That sounds like a great resource that should be generally available to the parents of every state and community.

Criticisms of Agency Reorganization

Morris: My last question is, "What have we not covered in terms both of the Youth Authority and the governor's office and their working with the Health and Welfare Agency?

Breed: I had some thoughts, but I find that through my ramblings, we have mentioned most of the ideas I wanted to share. One thing I wanted to say from the standpoint of the Reagan cabinet organizational style is that I feel the concept of the cabinet was a good one. I believe the

Breed: creation of agencies to administer government was really a waste of money. Each of the agencies built up a support staff. They even had support staff to provide liaison with the various departments that they were coordinating!

In retrospect if there had been a few cabinet members who were located right in the governor's office and who had the responsibility for co-ordination with the department heads, there would have been greater management efficiency. They might need one good administrative assistant to help them with the paperwork, but their job would be to coordinate information sharing and liaison directly with the governor. You would have accomplished everything you accomplished with the agency structure without having the superstructure of very large staffs.

I think the idea of agency secretaries being physically located outside the building where the governor had his office was a mistake. The only secretary who maintained any sort of power and a relationship was the director of Finance. I have often thought--outside of the individual, because there were three different people who were directors of Finance during Governor Reagan's term--all of them had that same strong role. Maybe it had something to do with the physical relationship of being right close by and being able to walk in whenever it was needed.

I think that it's important to emphasize again that, as a director, you could always get word to the Governor. It might sometimes be a slow process in that it had to go through an agency. But in my case never did the agency appear to slow it down. Ed Meese and his associates had a natural desire to keep a protective guard around the Governor, but if you insisted that the matter was important and that it was something that you felt had to have the personal attention of the Governor, then they would make it possible for you to have that kind of contact. I think that was an important principle.

High Marks for Staff Meetings

Breed: I think it was important that the governor held regular staff meetings. Pat Brown didn't and later Jerry Brown didn't either. Governor Reagan had regular staff meetings with all of the directors present. They had an opportunity to get information that was not filtered, but to hear directly from him. These meetings were held once every month, sometimes more often.

Morris: In addition to the cabinet sessions?

Breed: Yes. There were meetings where all the directors came. The meetings usually lasted a couple of hours and the Governor came in and made some introductory remarks. Then there was an exchange of information between the governor's staff and the directors. The Governor always sat there for this discussion and asked many questions. At the end of the meeting, he stood up and said, "Now, I want to answer any questions." If you had a question, you knew that once a month there was an opportunity to ask questions and get very direct answers.

Personal Glimpses of Ronald Reagan

Breed: I think that it's sort of important that a governor have at least some kind of feel and contact with those key people who are working with him, in settings other than the work place. Governor Reagan always allowed for that and periodically had dinner parties to which spouses were invited. There would be maybe fifteen or sixteen people present. You always had a feeling that you knew each other as a family and there was an attempt to create that kind of folksy feeling.

I was going to make one other comment that probably ought to be left out, but it was so true of him and my knowledge of him. He was a very fair person. He was always willing to listen and was very careful to be sure you had an opportunity to present your case to him before a decision was made. He made decisions. He was also a very stubborn person. Once he had made up his mind, it was almost impossible to get him to change it. He had that strong Dutch stubbornness once he had set his mind to something.

Morris: It sounds like you needed to be sure of what it was you wanted to convince him of. If once he made up his mind on something, you had to be sure what it was you were asking for.

Breed: You had also better go in very well-prepared, not in terms of any lengthy presentation, but factually with your ideas thought through in such a way that the presentation would come out concisely stated, clearly stated and in a minimum amount of time.

The Cabinet: An Insider's View

Morris: When you had a session with the governor himself, would there usually be someone there?

Breed: Almost every session (with the exception of three or four in an eight year period) that I had was with the cabinet. You would go to a cabinet meeting, which was composed of eight people, plus two or three of his immediate staff. The Governor would sit down at one end of the table, the cabinet would sit four on one side, four on the other, with Ed Meese down at the end opposite the Governor. When you made a presentation you stood right along side of Ed Meese. You presented your program or whatever it was that you were trying to sell the cabinet. The cabinet members had read their briefing books, so they could ask questions very quickly. If the Governor had any, he'd ask them. Usually Ed Meese would summarize the discussion before the Governor would make a decision.

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The cabinet members always seemed to want to demonstrate that they had read their briefing books and invariably they would ask at least one question. If they ever asked a question that wasn't directly related to the issue, one of their compatriots around the table would draw that to the attention of the group.

Morris: Oh, they were keeping track of each other.

Breed: They were a cabinet in the true sense of the term. They acted like a board of directors of a large corporation. They were officials who were well briefed on the agenda for the day and recognized that they had very important roles and responsibilities. They were actually making corporate decisions for state government, not just managing a single agency. Many of them, particularly in the first administration, came directly out of the corporate world, so they brought that kind of orientation and that kind of background.

Morris: You have really shed a lot of light both on how the governor's office worked and on how corrections worked. I'm delighted to bring the corrections story up to date. I enjoyed talking with your predecessors; it's good to get your views too. (Tape interruption)

One last question: you know, I haven't asked you about your contacts with Mr. Reagan himself.

Breed: He was very formal in a friendly way. He was thoughtful, considerate but never close in terms of personal relationships with directors. He wanted his appointees to be part of a "large family," but you felt his reserve and responded by being overly formal yourself.

Breed: He did many thoughtful things for staff. An example was every year when he gave the state of the state address, he arranged for a banquet room so the directors could come afterwards and eat together and talk about how the speech had gone.

Morris: That's a nice idea..

Breed: I think that he did have an influence on how people, in this period, operated. Whatever their differences might have been philosophically, in the Reagan administration there was a sense of a nice, comfortable closeness.

Morris: A concern for the people working with and for him as human beings. I think that's a very insightful comment on Mr. Reagan with which to end.

[irrelevant passage on completion of transcript has been deleted]

[End of interview]

TAPE GUIDE — Allen F. Breed

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APPENDICES

One New Member

CYA Board Operates In A Changed World

By Ronald Blubaugh
Bee Staff Writer

Although its membership so far has changed by only one person, the California Youth Authority Board is a wholly different operation since Edmund G. Brown Jr. became governor.

It is now obvious that for the first time in at least four years, the Youth Authority's Director Allen Breed is firmly in charge. Breed is running the meet-

ings—not merely chairing them—and some of the old board policies that made staff members chafe are beginning to dissolve.

At Friday's meeting, for example, the board adopted the first policy statement requiring a list of specific reasons any time parole is denied to a ward.

The board also reopened, at the instigation of member Paul Meaney, the issue of whether parents would

be allowed to attend parole hearings. An absolute prohibition against the presence of parents or any outsiders has been in effect for about four years.

Although no final decision was made on the opening of meetings, a number of members indicated they are willing to rethink the question. The matter was scheduled for further discussion next month.

Those considerations at Friday's meeting follow an

equally significant change last month. In February, the board voted to disband its "Manual Revision Committee." This body existed to revise the rules applying to the board and the parole of wards. Through the vehicle of that committee, according to one source in the department, the board was able to prevent any suggestions for changes coming from staff members. Suggested changes came only from board members.

"Now, we are back to where we used to be years ago," said the source. "The staff has an opportunity to bring in proposed revisions for the board to consider."

To a ward in a Youth Authority institution, the CYA board is the most powerful body in existence. It is the CYA board which decides when a ward will be set free.

Breed is the chairman of the board and the director of the Youth Authority

which operates the institutions for young offenders. An up-from-the-ranks career employee of the Youth Authority, Breed was appointed by former Gov. Ronald Reagan. But Reagan also appointed a CYA board with a distinctly law-enforcement orientation and theories about youth detention that were at variance with Breed's.



Allen Breed

The tension between Breed and the board was obvious even in public sessions.

"Several of the board members had contacts in the governor's office," explained the source. "The feeling in the department was that Allen was neutralized. He is a professional administrator, not a politician, and he was being neutralized by political interference. That's all different now. Those board members don't have any contacts in the governor's office. They are aliens in a strange land."

The fight between the board and staff has revolved primarily around detention policies. The

board has been quite strict in its approach, often rejecting staff parole recommendations. Staff members frequently described the policies as "punitive." The board defended its policies claiming them necessary to protect society.

Gov. Brown's first appointee to the board was Pearl S. West, who fills the job formerly held by John Edward Rowe. Reagan had nominated Rowe for a second term but the appointment was defeated in a bitter Senate confirmation battle last September. Among the objections raised to Rowe's reappointment was the board's ban on parent attendance at parole hearings which the board now is reconsidering.

The terms of two more Reagan appointees—for Los Angeles police officers Lou Richey and Julio Gonzales—expired yesterday. They will continue in office until Brown either nominates new members or renominates them.

Richey, a personable man who is liked even by staff members who do not want him reappointed, is considered the hardliner on the board. At the Friday meeting, Richey said he had rethought his position on the exclusion of parents from parole hearings and is now willing to have them at any parole session.

Reagan's more recent appointees to the board—who were not members

when the no-parent rule was adopted—also indicated a willingness to consider revision of the policy.

In keeping with the obvious shift by board members, Breed has started asserting his authority. Besides supporting changes in board policy which he might not have proposed as recently as a year ago, he has started to take back some of his own powers that he delegated to the board years ago.

Last month, he informed the board he was reclaiming authority he had delegated to board members to issue day passes and furloughs to wards. Such permission now will be given by the director.

patterns

of juvenile justice in california



Prevailing and Proposed



april 1, 1969

report of the

task force on juvenile delinquency

california council on criminal justice

A DECADE'S DELINQUENCY - 1957-1967

One may study the various indices of juvenile delinquency in California and draw almost any conclusion desired. If you tend toward the alarmist reaction or if your purposes require this, consider and quote the sizeable increase in juvenile arrests, detentions, or referrals to probation by the police. All these measures show substantially greater growth over the past ten years than is reflected in the youth population increase. Arrests and detention, for example, have increased at twice the rate of the population growth.

If your needs require only a modicum of concern, look at the increase in the filing of juvenile petitions, up 74% over the decade as against a 57% increase in the youth population.

If, however, you elect to be sanguine about the delinquency problem, quote the record on wardship declarations, the product of judicial deliberations. The decade's growth record on this index happens to be almost exactly that of the population increase, 57%.

Finally, if you wish to rebut the alarmists and demonstrate that the dissident generation is really not as bad as their predecessors, call attention to the rate of Youth Authority commitments, again a measure of careful, deliberatively adjudication. The decade ending in December 1967 showed a growth factor of less than one-third the population increase, a scanty 18%.

Other observations can be made with some validity. The substantial increases in arrests, detention, and referrals to probation are all measures of police activity and policy. Even the moderately increased petition filings are heavily influenced by police recommendations. Are we measuring the delinquent behavior of youth or changes in the official response to that behavior? Are the police turning toward more formal processing of cases as the public concern about delinquency and crime increases? The large increase in arrests for "delinquent tendencies" might suggest this.

It can, of course, be argued with equal logic that the failure of the adjudicative indices to parallel the arrest records is a product of change in juvenile law and procedure; perhaps this is the impact of adversary processes in the juvenile court. The actual decline in Youth Authority commitments since 1965 would seem to be primarily the impact of the probation subsidy; albeit, the non-participating counties have also registered declines in commitments of lesser magnitude.

Finally, the factitious increase in arrests for the use of drugs and marijuana is sufficient to distort all the total arrest measures. It would clearly seem to indicate an increase in this kind of delinquent behavior.

Many explanations for the increase in delinquency have been advanced by highly competent observers, including such factors as the constantly increasing urbanization, the increased affluence for the majority and its subsequent relative impoverishment of the poor, and the phenomenon of the "generation gap" with its youthful rejection of majority values. But the data here would seem to suggest that the sheer increase in the youthful population is a major, if not the major, explanation. As such, it would manifestly not warrant any gross alarm nor justify any move toward greater repressive or punitive measures.

But even though the "rates" are relatively stable, the gross incidence has obviously grown, and this is reason enough for improving the capability and effectiveness of our coping mechanisms.

Any study of statewide delinquency statistics poses obvious risks of drawing erroneous conclusions. For the totals are summary figures and mask wide variation in conditions in particular localities. They also cover up the great disparity in patterns of official response at every decision point. For example, statewide in 1967, the police referred approximately half of all arrestees to probation, but in the jurisdiction of highest referrals some 95% were turned over to the probation department while at the opposite end of the spectrum only one-third were referred.

Likewise of those initially referred statewide, an average of 35.6% were subject to the filing of a petition but the range was from a high of 100% to a low of 7%.

On the next several pages are presented a series of statistical dimensions of delinquency over the past decade assembled for this report by the Bureau of Criminal Statistics, Department of Justice.

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Anticipated that is the development of a study proposal or proposals to address this problem as a part of the 1969-70 planning effort.

EXAMINING THE PROBATION SUBSIDY FUNCTION

California is currently projecting a \$12,000 expenditure for the subsidy of special supervision programs in probation; an additional \$6,000,000 is committed to support of county camps and schools. A principal objective of the subsidy has been pretty clearly realized -- namely, the reduction in commitments to state institutions. What is not known is the actual effectiveness of special supervision programs in reducing recidivism, or the relative impact of camp vs. special supervision. Some valid data is badly needed before further subsidy moves are made. Greater knowledge as to the relative effectiveness of different kinds of program models is highly desirable. Several means of developing this evaluation have been suggested; none are specifically projected.

A need of even greater scope is the evaluation of the "mainstream" of the probation operation, since it affects a population some six to eight fold that of the special subsidy programs. However, the information in the special programs is probably more readily available, and evaluation models developed here might well be adapted to the larger chore.

It would appear that the Juvenile Delinquency Task Force is a peculiarly appropriate body to initiate a plan for meeting the need.

The delegation of the problem to a sub-group with possible outside assistance is projected for the forthcoming program year.

STRATEGY FOR THE GHETTO

We undertake this planning effort at a time when serious social problems continue unresolved. The civil rights revolution has had a strongly divisive impact upon the citizenry, and strong emotions are triggered as government attempts to redress the injustices of many years standing. The fact that the civil rights agitation has been accompanied by significant increase in the Negro component of the correctional population, would lead any thoughtful person to ask why. With some 50 percent (at the state level) of the correctional clientele composed of minority group members, the hostility and suspicion that they feel is fed into the system, amplified perhaps by the substantial

... of concerned staff members. The correctional apparatus is seen by the offender and perhaps by some staff as another part of the oppressors in the majority white society. While conversely, any propensity for sympathy or empathy by staff with the plight of the black and brown people is viewed by others as heresy and disloyalty to kind and class. And so corrections faces the threat of "a house divided."

The correctional system and its administrators can easily be caught in the cross fire as they seek to maintain some rational middle position. But the components of that rational middle position ground are difficult to define; an effective program stance hard to develop.

The urban centers have witnessed the proliferation of a variety of indigenous, self-help organizations among the two major minority groups. Knowledgeable practitioners describe them as having significant impact on the young black and brown citizens, including probationers and parolees. To date, the correctional establishment has developed no valid assessment of the operation of these indigenous groups and of their influence upon the correctional client. Can they have utility in achieving correctional goals? How?

Badly needed is some correctional strategy for the ghetto. Perhaps, it will largely forsake the conventional casework model and focus its attention on the social organization of the slum areas. The community, with the organizations and forces endemic there, may be an appropriate target. Certainly the attempt to change individual perceptions and behavior patterns while ignoring the tremendous impact of the forces operating in the poor neighborhoods will almost surely fail.

We propose that selected areas in selected cities be seen as the target for an analysis and proposal-design project. The undertaking would be sponsored by all the correctional agencies -- county and state, adult and juvenile -- operating there. It would identify the entire offender population and look to those youngsters seen as delinquency-prone. It would then attempt to analyze the social forces and organizations, public and private, official and informal, impinging upon the correctional client. It would give attention to the spread and availability of formal resources and especially assess the activity, impact, and potential of the many indigenous groups. While the eventual program design and strategy would emerge from the analysis, we can now identify three principal possibilities:

- 1) First, would be an attempt to develop meaningful coordination and integration of existing public

and private resources, especially the job training, recreational, educational facilities. The objective here is to open them up for the correctional client.

- 2) Secondly, it would lay heavy emphasis on the involvement of indigenous youths and adults in the study process and eventually in the program organization.
- 3) Finally, it would probe the nature of the indigenous groups and assess their possible utility as program resources.

Since such an undertaking would cross jurisdictional lines and involve several levels of government as well as the private and voluntary entities, it might most logically be sponsored by the State Juvenile Delinquency Task Force, at least in the developmental stage.

SUBURBIA AND THE DRUG PROBLEM

Delinquency is by no means confined to the slums, or the poor neighborhood, or to the areas populated by the black and brown people. The increased incidence of delinquency in suburbia, only partially visible, is equally a cause for legitimate concern.

There has long been a middle class component to all correctional populations, probably diminishing in its proportions as we move deeper into the correctional system. In the State system, it is apt to be characterized by a greater incidence of neuroticism, frequently seen as the product of parental rejection or sibling rivalry. This classical middle class syndrome is still observable, but is complicated now by the generally widespread "youthful alienation," with its rejection and suspicion of adult values and behavioral norms.

The fifteen fold increase in arrest for the use of pills and marijuana, to a large extent a middle class phenomenon, highlights the acuity of the problem. It has spawned a wide variety of reactions within the communities varying from rejective "get tough" policies in the schools and juvenile justice system, to some imaginative community efforts to mount a youth-based counterforce.

Several steps would seem logical:

- 1) An effort to cull out of the many indices of varying accuracy, some valid assessment of the nature, location, and dimensions of the drug problem;

- 1 A review of the scientific evidence as to the consequences of use of the different drugs, marijuana, etc.
- 2 A summary of the many kinds of official and unofficial responses in policy and program across the state with as much evaluation as possible of the results;
- 4) Out of this data, the development of some balanced prescriptions as to policy concerning the nature and weight of official sanctions, and the description of preventive and/or treatment efforts that offer promise.

This kind of study might be appropriately sponsored in partnership with the Task Force on Narcotics and Drug Abuse. Such is the recommendation.

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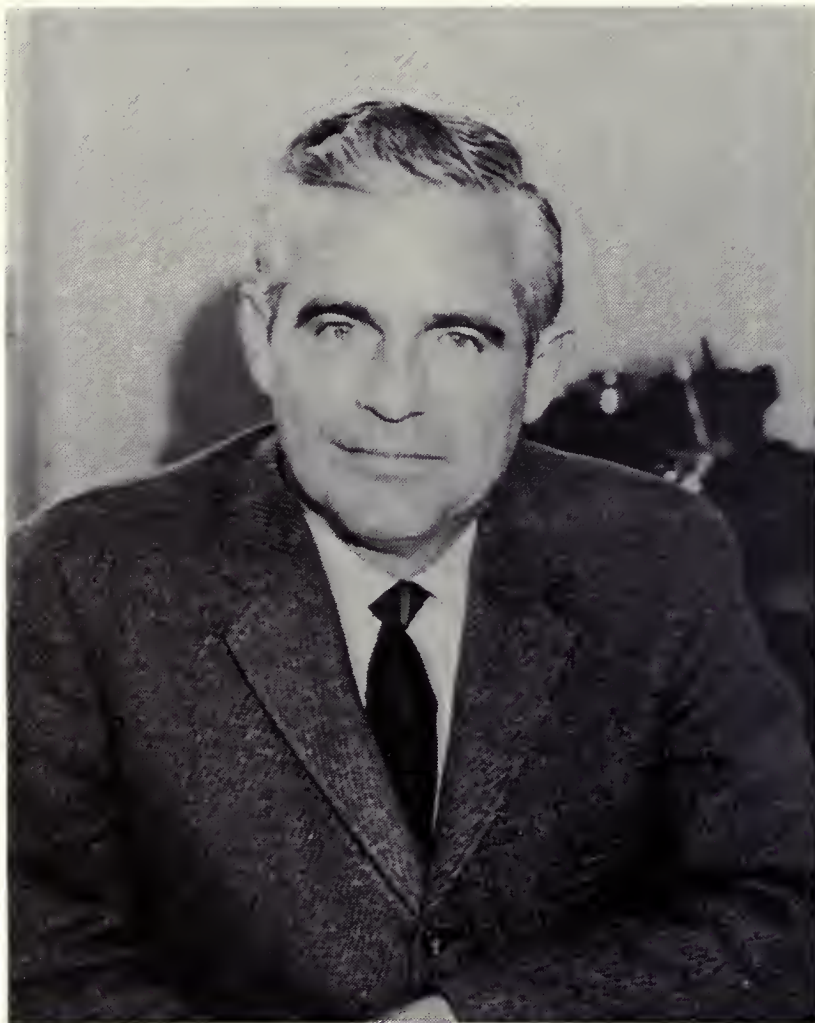
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Government History Documentation Project
Ronald Reagan Gubernatorial Era

Raymond K. Procunier

ADMINISTERING YOUR PRISONS

An Interview Conducted by
Gabrielle Morris
in 1983



RAYMOND K. PROCUNIER

ca. 1974

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I A PHILOSOPHY OF LIFE AND CORRECTIONS

[Date of Interview: May 3, 1983]##

On Being Interviewed

[Preliminary conversation about Mr. Procunier's work]

Procunier: I've had a consulting business for a while, and I don't like consultants. They're a bunch of prostitutes as far as I'm concerned. [chuckles] So I set up my own rules: if you hire me -- I've been to several states; I don't know, fifteen or twenty -- if you hire me, I'll come at your expense for three days and then tell you what I'll testify to. If it fits your case, fine. If it doesn't, pay me and I go home. And I won't join the other side. So for three or four days I don't answer the phone after I go home, because everybody always wants me to testify.

I've testified in about half of the states I've been to. It doesn't make any difference whether the plaintiff or the defendant asks me, because I'm going to say the same thing anyway. So it depends on who wants to pay the bill. That's my reputation. One state wanted me to tell them just the opposite of what I told them. So they didn't want to hear it.

Morris: They hired you to tell them that they were doing everything fine?

This symbol indicates the start of a new tape or tape segment. For a guide to tapes, see p. 68.

Procunier: Well, they were doing everything fine, but they didn't have enough people to do it. So the director hired me to tell them they didn't need any more staff.

I went to another state, and I wouldn't testify after I'd looked things over. I told them, "If I testify, both of you will go to jail," because it was so bad. And then the attorneys for the other side spent a week trying to get ahold of me, because they weren't going to hold still for my not testifying.

Morris: This is testifying in a particular case?

Procunier: In all kinds of cases, yes. Most of them are conditions cases.

Morris: Somebody in a prison has brought a suit about conditions there?

Procunier: Yes, well, you know, the ACLU [American Civil Liberties Union] is always on everybody's case, all the time. Conditions, they call them, conditions suits, general conditions. Related to the constitutionality of the operation.

In California I was in court all the time. . . .

Morris: What was going on in California that made people bring suits?

Procunier: Let me give you the history of it. Is this important to you?

Morris: This is important, yes.

Procunier: Okay. I don't know, where do you want me to start?

Morris: Start with this, since we started with it.

Procunier: What are you looking for? Are you looking for personal nuances?

Morris: Yes. From our point of view, who the characters were and why they were important.

Procunier: How they got there?

Morris: How they got there. I'm interested in, somewhere along the line, asking you about yourself, because you'd been in the California Department of Corrections before Ronald Reagan asked you to head the department.

Procunier: You see, we can start any place you want to. The way I do it normally is depositions and that kind of stuff.

Morris: Right. This isn't a deposition.

Procunier: No, I understand all that. [laughter] . . .

I've got some things I will and won't do, and I let that be known very clearly. This is going to be a big part of my role in Reagan and corrections and what kind of a guy he is, as far as I'm concerned. As compared to other people. . . .

I'm going to start with the interview for the job, and then I'll go back and tell you, if you want me to, how I got there. It's the most incredible story you've ever heard in your life, for me. Not for anybody else.

Morris: Good.

Procunier: It shows what kind of people Reagan people were, I think. I knew no one of any political consequence on purpose. I registered to vote neutral on purpose when I was a corrections officer. As I looked around me, I thought there may be some future in this business. Because most people were incredibly bad, I thought. I don't mean evil, but I mean, they just didn't get good people in corrections.

Postwar Adjustment

Procunier: I had been a navy pilot--I had just come off a year of looking around to see what I wanted to do. Because I didn't want to end up with a life career that I didn't want, that I wasn't happy with.

Morris: This is 1945?

Procunier: I got out of the service in '46, so it was '46 and '47. And I realized I wasn't settled down enough to go to college. I went to college for a year -- I was going to be an engineer -- but I wasn't settled down enough to know if I wanted to be an engineer or not. My biggest motivation in life is, I didn't want to do something I didn't want to do.

Morris: That's a very contemporary idea.

Procunier: What made me so far ahead of other people was, my father was a really sensitive and decent guy, very intelligent and artistic as heck. Tremendous artist. And he got caught up by getting

married too young and had some children and then took the responsibility and ended up working in a factory. And he told my brothers--it's kind of interesting, really--he told my brothers when we were ten, fifteen, and sixteen, "If you guys ever go to work in a factory, I'll kill you." There's nothing worse to me than-- And I always did my own research, ever since I was a little kid, about what's going on around me. That's what corrections to me is all about.

I don't think it has to be a sad place, corrections. It's sad enough as it is. I think it's important that people be nice to each other. My whole philosophy in corrections is, if somebody goes over the fence, I shoot them; if they're crying in the main yard, I put my arm around them. And there's nothing inconsistent with that. Most people cannot bridge that. They either got to be bad and tough or too easy. . . .

I talk to people today who are against community diversion programs. I say, "You guys are foolish, and I'm going to tell you why. You guys take such a ridiculous and arbitrary stand that you dilute anything you say from now on. Because you know and I know that your stand is too extreme for anybody to take seriously. So therefore, when you've got something to say, no one listens to you. So I suggest you get off of that kick and take a look at it as reasonable folks, because it's going to be here, whether you like it or not."

Morris: Diversion?

Procunier: Yes. "And you're leaving it in the hands of the people that you're criticizing, so why don't you join them and make it right?" This is the way I look at it.

Morris: Were you a churchgoing fellow growing up?

Procunier: No, never have. I tried it for two or three years, and I never found one worth a nickel. I found all this phoney, bogus stuff that I can't deal with.

Morris: Did you run into Richard McGee somewhere in California?*

Procunier: Now, let me start. I had to take a year off. My wife was--I'm divorced now, but my wife was just a lovely person, very capable, wonderful woman. And very competent. She was a --

*See Richard McGee, Participant in the Evolution of American Corrections, 1931-1973, Regional Oral History Office, 1976.

in those days it was rare -- comptometer operator. And good at it, and very conscientious. She also came from Flint, Michigan, which is a factory town. Her father had struggled through life with the same problem. Only he had done much better. So she was sympathetic to the idea that I should be happy at my work. And so now for thirty-five years I can hardly wait to get to work every morning; it is very rare that people can say that.

Morris: That's true.

Procunier: I made up my mind a long time ago that I'd rather be dead than to have to agonize about going to work every day. Because that's the biggest thing in your life. All the rest of the stuff, your children, even your children, your wife, your family, your house, are secondary to that. Because that's primary. Unless you're a millionaire.

Morris: Yes, you spend your prime hours of your prime years.

Procunier: So I took a year off. I was going to take a year off from work. I quit school. I was going to UCLA, and I quit school. And although you're not old enough to remember, after the Second World War, it was difficult to get housing any place. Do you remember that?

Morris: Thank you for those kind words. I remember.

Procunier: Do you?

Morris: Yes. I lived in Norfolk, Virginia, for a while in the 1950s.

Lumber Estimator and Softball Player in Chino

Procunier: Okay. Right after the war there weren't any apartments, and everybody was getting married and stuff, so we bought a little house in a town called Chino. We had lived in Pomona. Do you know where I'm talking about?

Morris: I do.

Procunier: We lived in Pomona with her aunt and uncle, who gave me half of his business. I'll tell you how hardheaded I am about not doing things I don't like. He gave me half of his business. They had, I don't know, three hundred or four hundred acres of oranges, and you know what they are worth. I had a feeling I wouldn't like it. So I told him, "I'm going to take it on

probation"—I'd never heard of it before; I said, "I'm going to take it on a probationary period."

Morris: Working in the orange grove?

Procunier: Not working in them, but owning them and a fertilizer company. Which fits, right?

Morris: Yes. Very good.

Procunier: So my wife was altogether different, just exactly the opposite to me. I don't ever do a thing with my head. I always do it with my heart. I learned years and years ago that the only thing really true about you is what you feel. And that's one of the reasons that thirty-five years later we got divorced. I just walked one day. After thirty-five years of what everybody thought was a perfect marriage. I walked out. That's consistent again with not being around something that's-- But I had some obligations up to that point. Kids and getting them educated and stuff.

So I took a year, and I was idle or not working for about two weeks, and that was not acceptable. Oh, I gave the company back to him. I told him, "I don't want it." She was incredulous. She couldn't believe that--

Morris: That somebody gives you security and--

Procunier: Yes. I said, "I'm going to die if I stay here." I have a theory, and I know it's true. I don't write, or I'd write it up. Men die in self defense. The reason there are so many nice looking elderly ladies around is that their husbands die in self defense instead of sitting around doing nothing.

Morris: Men can't stand those ladies they married around being an obligation?

Procunier: No, they can't stand it when they haven't got any obligations any more.... That Winnebago and a baseball cap is the end of a man. When you see Wilbur driving and Mabel around in her camper. Mabel is enjoying it. And I'm not knocking women. I think they're the most wonderful creation of God. But there's no communication. You know, when you're struggling and a guy's working, there's a purpose to his life. There's no purpose to a guy's life once he's retired.

And I was retired for three years before I came here. I stop and start everything whenever I want to. Because I don't want to be old and wish I'd done something. I've done every-

thing I ever wanted to do in my life. And some been wrong, too. Bad wrong.

But those turned out to be the best things that ever happened to me, you know, in the long run.

Morris: You knew they were wrong at the time?

Procunier: Then I know I don't want to do that again.

Morris: Did you meet Kenyon Scudder at Chino?*

Procunier: Yes. I'm going to get to that in a minute. All this tangential stuff has a bearing on what I'm all about and why I ended up with Reagan and why I got along with him.

Have you interviewed Ed yet?

Morris: Ed Meese?

Procunier: Meese.

Morris: Yes, a few months ago.

Procunier: He said he likes me, right?

Morris: We didn't get that far.

Procunier: Okay. Those guys--they love me now. I'll tell you why. Everybody hated me when I worked down there. . . . Reagan and I were thicker than thieves the whole eight years, but the people in between, [Caspar] Weinberger and Verne Orr. Verne Orr would kill somebody for me today, and he wanted me dead half the time I was working for him.

I don't listen to anybody, nobody. I tell them, "I don't know how to fix Volkswagens, and I don't want you tampering with corrections, because I know how to do that better than anybody." And it proved out.

*First superintendent of the California Institution for Men at Chino, the minimum security correctional facility. See Kenyon J. Scudder in Earl Warren and the Youth Authority, Regional Oral History Office, 1972.

Now, that's humble. It floored this guy when I say humble. I said, "That's real humility, if you want to know the truth. I don't claim to know how to fix Volkswagens; I take them to a Volkswagen dealer."

Okay, now I didn't work for two weeks, so I said, "That's enough." I went to work at a local lumber yard in Chino as an estimator. I didn't know anything about estimating, but I caught on to it pretty soon. I was the luckiest guy in the world, too, I'm telling you.

All the people that worked at the prison right after the war were adding rooms on their house. Remember that?

Morris: Yes.

Procunier: And building a garage. Well, they're all coming in there. I was a professional baseball player and pretty good at it. I played for a local softball team. And the institution was trying to get a softball team, the prison.

Morris: For inmates?

Procunier: No, for staff.

Morris: They were concerned about staff morale?

Procunier: Well, it was just kind of a family. Prison staff are kind of family. They have little picnics and-- Everybody was poor in those days, when you're a corrections officer, so the employees' organization has a gas station on the grounds, and you can buy things-- It's sort of a-- There are organized prisoners' groups, so you organize the same way really. You get to be kind of family-like. Anyway, they're all coming in there, and I'm shoveling them lumber and getting to be friends with them and then playing against them on the softball team and kicking their butt.

Then [Elmer J.] Oberhauser, a guy that's influenced me more than anybody in the whole world--talked rough and tough (and that's part of the reasons I took on some of that image, I think, too) and the softest guy I ever met in my life was--sort of "Well, get him down here. We want to get him down here." So I went down and looked it over.

Becoming a Corrections Officer, 1948; Speedy Rise to Warden

Procunier: I made them tour me. Can you believe this? As a possible corrections officer, I made them tour me around as if I were a warden.

Morris: But you didn't have to take civil service examination?

Procunier: Oh yes. But before I'd even take it. Then I went down and refereed some basketball games, just to get the feel of it. Sergeant Mel Riley, who's dead now -- later when I was director I got a chance to promote him to field representative -- was an informal boss. There's a formal organization as to who the boss is. And I know that there's somebody else that runs the place. Except when I'm up here. I make sure I do.

Morris: Like the chief petty officer on a ship.

Procunier: There you go. Or somebody down here that's an intermediate clerk. Or, did you see Catch 22?

Morris: Sure.

Procunier: The guy in the mail room ran it depending on how he distributed the mail. And Riley was the real boss down there. Riley was hot on my case to come down there. So anyway, to make a long story short, I decided I'm going to give it a try. And I didn't care whether I stayed a week, two weeks; it didn't make any difference to me. Because I always figured in those days, if you'd work, you could make a living.

So after a year at the lumber yard, I quit. I took the exam and went down and worked down there. Ken Scudder was the superintendent, and Oberhauser and [Howard] Comstock, and all those guys that ran the department later. I went down in 1948.

Now, to go from 1948 with that much of interesting background, then I'm warden at Tracy [Deuel Vocational Institute]. In April of '66. Now, I want you to keep in mind -- here's the thing that's very significant -- I was neutral.

Morris: Politically?

Procunier: Politically. Deliberately stayed the hell out of that stuff, because I didn't see then how politics could be related to corrections in any way. I'm a lot brighter than I used to be in those days. But I still think the director has to be neutral. Or the employees have to be neutral.

I knew no one in Sacramento. I don't socialize with anyone I work with. I never run with anybody. For one reason: so I can fire anybody. Because I also observed that as I was coming up. Cliques; I'm death against them. So I didn't have any contacts. I wouldn't have known how to go about it. In fact, did not know until I became director, how people use politicians and call their senator. I thought if you called your senator, he'd tell you to go to hell.

Morris: Really?

Procunier: That's how naive I was, okay? In that sense. I don't claim to be naive. Don't get me wrong. But I'm talking about in that sense at that time.

Morris: It took a while to learn how the prisons operated, I would assume.

Procunier: Well, now I'm talking twenty years later, right?

Morris: Right.

Procunier: Okay. And I went up faster than anyone in the department ever had. In the meantime, I went over to Utah as the director of corrections when I was a lieutenant, was given a leave of absence, came back and skipped three or four ranks and went to associate warden. I just hit it lucky every place. And I can produce.

Morris: Because corrections was changing really fast at that time?

Procunier: Yes. And I'm an aggressive son of a gun. This was my business. That's why right now I know more than anybody in the world about the business, because I've been a student of it for thirty-five years. And I haven't been diverted. I've had a lot of offers for jobs other than corrections, and I'm not interested. This is my work.

Decent Authority: Talking Square and Hearing Round

Morris: Once you got to Chino, you decided you liked it and--?

Procunier: Yes, I liked it, and it gave me an opportunity to do what I thought the world is all about, in a way.

Morris: Helping other people?

Procunier: No, I don't want to say that. I don't like people that help other people, do-gooders.

Morris: Okay. How would you define it?

Procunier: I just think making-- I think the world is a little better off because I came along, with people that are in trouble. And let me tell you why. I think one of the biggest problems with convicts and people in trouble, they've never really seen any decent authority or ever dealt with any decent authority. And convicts really care for me, but they know I'd kill them in a minute if they're wrong.

Morris: If they break the rules?

Procunier: Yes.

Morris: Decent rules, but the decent rules should--

Procunier: The decency is the underlying thing to me. Because we're the only department in the United States, Virginia, right now, that's got an approved grievance procedure by the U.S. Justice Department, the grievance for inmates. There has to be a way.

For example, [he goes to blackboard to illustrate what he is about to explain] I'm the director and I say, "This is my policy," symbolized by a square. The next level down--oh, I was a trainer for a long time, too. And the next level down it's different, through no fault of anyone. You see, I don't see conspiracies every place.

I don't even know how the hell anybody can cook them up, and I'm not even paranoid to have survived this long. I just see people, whether they're Congress or who they are, until proven otherwise, they've all got the same motivation I have. I don't see anything different from me.

Okay, the next level down. Because of the natural screens that everything goes through, the policy becomes distorted-- and by the time it gets down to the troops, it's round. [He draws a square evolving into a pentagon and then a rosette and finally a circle.] Here I'm talking square; the troops are hearing round. And everybody in between is getting screwed. Right?

Morris: I see, yes.

Procunier: They say, "Well, you're saying this; this is going on." What I always do is, I set up ways of feeding back from the very bottom to me. And I'm not talking about creeping on people or investigating them. I'm talking about legitimate ways to get feedback from the bottom, as to what does that square look like when it gets down there.

Morris: So that the people at the receiving end know what you meant?

Procunier: Exactly. Not only what I meant; they're benefiting from what I meant, instead of having everybody in between running their own little ship.

Morris: Changing it as it goes along.

Procunier: And not doing it on purpose. Don't get me wrong; it happens every day. I tell Mary [Procunier's secretary in Virginia] something-- We're very close; I really like her. She goes out and it is all wrong by the time it gets done. That's all right with me. Mistakes don't bother me. In fact, a staff man was in here just a minute ago telling me something was wrong. I don't care about that.

So twenty years later I get appointed warden after a lot of mishmash in between. I've had every experience you could possibly have in corrections. I've been a personnel officer-- nobody has ever done that from custody officer.

And I'd know at each one of these steps, when they would give me a break, they're all looking at me to see whether I'm going to make it or not, too. You know. They test you, you know, by giving you--

Morris: The people in your rank?

Procunier: No, I mean the people above. They give you special assignments. I do it all the time. I thought people were being nice to me by giving me all these opportunities. Well, hell, I was doing their work for them.

Morris: Yes, and they wanted to see whether you could do it.

Procunier: No, well, I'm doing their goddam work for them all the time. I tell people that. I say, "I'm not being nice to you by giving you these special assignments. I need people around that are capable and competent to do it."

Now, everybody--

Morris: This is Richard McGee at that point? He's keeping an eye on you?

Procunier: McGee's the director, and I've had a lot of intercourse with McGee, because when you go to another state, then you're a fellow director, and although I didn't play the role when I came back-- I understand roles, too, man. I went to Utah. I'd been a lieutenant in California.

I went to Utah, and the first night I [was there I] said, "This place needs cleaning up." Well, they got all the inmates up in the middle of the night, and they cleaned the god damned place up all day. So it dawned on me the next morning, "Whether you were nothing in California or not, you're something over here. So behave that way."

Morris: When you came in as the boss?

Procunier: I was the director. And I said something to the reporters-- I'm good with papers. Boy, they love me, because I just talk real freely with them. But I said something, the first day over there, I said something about something being ridiculous, and that was the headline: "Procunier Brands System Ridiculous."

I thought, "Well, you better be careful and not let your mouth overload your butt, too." Because as a lieutenant I could have said that all day from every tower in California, and everybody would say, "This guy's nuts," but I was a big man in Utah. So I played that role. And I'm good at that. Whatever role I got, I play it. [chuckles] And I don't have any difference from the way I am on a job or privately, either, because I think there has to be consistency to be real.

Now, there were a lot of people who got a big kick out of me. And I don't alienate my peers when I move up, for some reason. One of the guys that I used to work for in the lumber yard, he hated everybody there that worked for them and quit except me. He was intrigued by me. He came around; he says, "People talk about you all the time. Goddam, how much they like you, and yet you're way up there." He could never figure it out, because he used to hurt people.

Morris: Did you stay in touch with the people that--?

Procunier: I never tried to particularly, but we did. My job always caused a lot of travel and stuff.

I'm just really proud of my relationship with people. It doesn't make any difference to me whether it's an inmate or a director or who they are. It doesn't make any difference to me.

There were a lot of people that said, "Someday you're going to be director."

I said, "I wouldn't be the director under any circumstances," and I really meant that. Because a warden is the best job in the world. Yes, I went to a troubled prison at Tracy. You know that prison.

Morris: Right. That's the Deuel Vocational Institute, isn't it?

Procunier: Deuel. They'd had trouble; it was corrupt as hell. It was about six months before it was straightened out. After that I had nothing to do. Oh, was I bored!

I tell you what, I put good people around me, and another thing, my biggest strength is I don't get threatened by people better than I am. I just step back out of--because I learned the secret of administration years and years ago, that you can't duck the responsibility. You know that cliché? But let me tell you the other half that's true. You can't duck the credit, either. Did you know that?

Morris: No, that's a good side of it.

Procunier: Let me tell you what happened. You come in and say, "Boy, Procunier, you got a nice outfit." I say, "Yes, I got good people." And then you say, "Yes, but if they don't have a good boss, good people can't function." So I gave up trying to be humble a long time ago. If you say, "You've got a good outfit," I say, "Yes, we do."

Now, I've got five guys around me that were my associates, business manager and stuff. Well, here's the first clue. [Walter] Dunbar [previous department director] called me up, and I told him who I wanted as associate wardens. He said no. I said, "Okay, take the job and stick it."

He said, "You can't say that."

I said, "I just got through saying it." "Nobody would ever turn a warden's job down," he said. I said, "You've got it. I don't want to be a warden unless I'm going to run the goddam place the way you're paying me to run it."

So he gave me one guy. Then he said, "Next guy." I said, "We'll worry about the next guy later ." And that's another thing, I don't worry about tomorrow. If you and I were relating to each other, and you are talking about what's going to happen next week, I'd tell you we'll deal with that when it comes up. Because I may be lucky enough to get killed on the freeway between now and then, and who the hell would know-- Then all that worrying for nothing. So--

Flo and I really get-- She's the greatest woman I've ever bumped into in my life. We hit it off so well, I don't worry about anything. She worries about everything. Not in a bad way.

Morris: [laughs] You ought to be good for each other.

Procunier: Yes. She's just really neat. That's another thing. I got divorced -- kept looking. The same thing. If I write a book, you know what it's going to be about? Not about corrections; it's going to be about marriage, and it's going to say keep on looking. If you're unhappy, keep looking. It's worth it.

II SELECTION AS DIRECTOR OF THE STATE DEPARTMENT OF CORRECTIONS, 1967

Social Revolution and the Prisons

Morris: Before we get on to Mr. Reagan, tell me why being a warden is the best job.

Procunier: Well, you're a king. You're a feudal lord. Now, up until I was appointed director, nobody ever asked us a question from the outside. But Reagan's becoming governor-- When I became director [of the Department of Corrections], almost the day I was appointed, all these youngsters from rich families, graduated with law degrees and felt guilty because they weren't black, started tampering with the prison system, the social system. Remember that? Remember all this guilt, the guilt complex the whole country had because of the difference between the blacks and the whites and the poor and the rich? Well, that hit the prisons first. In 1967, almost to the day I was appointed director.

Morris: There had already been things like the march on Selma and--

Procunier: Yes, but that was the preliminary to the explosion. In the prisons, the revolutionaries decided that out of the prisons was going to come the new leadership of the world. This is what they used to preach.

We were the central focus of this whole thing in California. And the miracle is -- and this is why I like Reagan so much -- the miracle of this is that we survived out there, because of the way I know how to run prisons. And he did not tamper with me one minute. That's his key. You see, he gets good folks and doesn't mess with them. They're business people, he and Meese and all those guys. They know how to run business.

These left-wingers and Democrats are always tampering with things, trying to adjust it.

Let me tell you the key to this whole thing, as far as Reagan is concerned, and this is why he's great. Not because of all the things that people who want to make him great say, that he's a nice guy and he's clean and the rest of that. It's that the man knows as well as anybody I've ever bumped into how to pick people around him and leave them to hell alone, to the point where he abandons you. You know, people laugh--

Morris: Forgot you were there?

Procunier: You know, that's the best-- That's the way I am. You know, I've got the best staff ever put together in corrections in the United States right here. And you know what, I don't want to hear from them. Unless they've got a problem.

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Procunier: I'm not talking about little people, now, down on the first line. I've got patience with those people out of this world. But you take money under false pretenses if you're at the top and not earning it.

Search Committee; Opposing Reagan's Budget Cuts

Morris: Yes. Tell me the first person from Governor Reagan's office who came and--

Procunier: Okay. You're going to die at this one.

Morris: --rattled your cage.

Procunier: I'm the warden of the place, and I was forty-three years old. I looked a lot younger then. I had blonde hair. Looked young all my life up till now. And the place is just humming along like you can't believe. Well, Reagan appointed a guy named Chandler on his selection committee for recommending people to appoint. You know how they do. A search committee, they are, kind of. Because everybody and his brother that voted for you wants a job. And they screen them out.

And let me tell you another thing. I had absolutely no interest in this. I'll tell you another thing I did that would be counter to getting the job, I would think, if Meese and those guys didn't want the best guy, is that when Reagan came in on cut, trim, and squeeze-- Remember that?

Morris: Right. The 10 percent.

Procunier: The day he was elected, guess what I did. I called all my staff together and said, "We ain't going to cut a goddammed thing here." [laughter] And I won. And, too, there's a reason for this, there's a motive in it. Not to be insubordinate. But you can't run a place like that if the inmates think the food-- And I told my steward, "I want the best food we've ever served here for the next month or so." Because if we have bad food one night, it's going to be because Reagan ran his mouth off. And already, although it's not, the inmates are going to say, "He's cutting our food already. Let's all go to the administrator."

The old man blessed me with the skill of anticipating what's going to happen downstream, based on today's circumstances. No credit to me. But I knew.

So then the director--

Morris: Mr. Dunbar wasn't going to stay?

Procunier: No, I didn't know that at the time.

[phone interruption]

Dunbar put out orders that we had to cut 10 percent. Because Reagan-- This started after January. And I wouldn't do it. Dunbar called me up and he said, "You got to."

I said, "No, I don't have to. Because I don't have to be warden." I said, "You're making a bad assumption, that I'm going to run the prison with too little staff." I said, "First of all, Walter, if I could run it with ten percent less, you ought to fire me. If I could give you ten percent, you ought to fire me for hiding all these positions." So I said, "Do whatever you have to do."

Well, he let me off. He said I was the only warden he let off. Later this was one of the reasons they appointed me director. Spencer Williams was the first agency secretary. I did not know it at the time, but I knew it after I got to know Spence, that they fired Dunbar on November 6th or 4th [1966], but they gave him a chance to get another job while

they searched across the country to find somebody. I knew they were interviewing guys from Iowa and all over the place. Never dawned on me that I would ever be considered.

One day McGee called me. He was the agency administrator [Youth and Adult Corrections Agency] at the time, no longer the director.

Morris: Spencer Williams?

Procunier: No, McGee. Williams took McGee's place. See, old Governor [Edmund G., Sr.] Brown had eight agencies. McGee was a holdover from that. So, now, they were using McGee to-- You see, I'm telling you some history here that nobody knows but me.

Morris: That's what I'm here for.

Procunier: The problem is, we're not going to get it done in two hours, ma'm. Because if you really want to know the history of corrections-- Well, I'm going to go as fast as I can.

Morris: You tell me as much as you have time for this afternoon, and we can talk again.

Procunier: Okay, and I'll stay off the tangents now. I wanted you to have some context in which I was talking.

Now, Chandler -- the time had passed when he was on the [selection] board.

Morris: Is that Norman Chandler from Los Angeles?

Procunier: No, the Chandler [Roger C.] from up at Chico that later got in trouble over buying some land that they were going to redevelop, that he knew. There was a scandal about it later on. Do you remember that?

Morris: No.

Procunier: I know none of these people. At this point in time it's very important for you to know that. How he went about picking his director, I think, is significant. Chandler was now appointed to the Youth Authority board. And I had a thousand Youth Authority inmates in Tracy at the time. We had a guidance center there, because they were the tougher ones that we could handle. The tradition in corrections had been that when a new board member comes down, the warden has lunch with him. I said, "No, I don't want to have lunch with the guy. I don't have to have lunch or socialize with anyone I work for, because he gets

paid to work and so do I. But," I said, "I'm the most cooperative guy in the world. I don't want to socialize with people unless I like them, and I don't know if I like him." So I said, "I'll go meet him."

So I went over to meet him, and he's sitting behind a desk, and I said, "My name is Procunier and I run a hell of an institution here, and if you ever hear anything wrong with it, you let me know, and if it's right, I'll fix it; if it isn't, I'll tell you that you heard wrong. And if anybody doesn't treat you properly down here, with a respect for your position, if you're not handled properly, I want to know. If you don't like what we do with inmates down here, get them the hell out of here." Because corrections had always been on the defensive with the youth people, and I made up my mind I wasn't, because we were doing a service for them.

Morris: Was Chandler appointed to a board attached to Tracy or--?

Procunier: Youth. To all the state. The Youth Authority parole board. So he had to come down here once a month.

Appointment Process

Procunier: Now, Paul Haerle [then Governor Reagan's appointments secretary] told Chandler on the way to Chico, about the 20th of May, he said, "We've got to find somebody for the director of Corrections."

Chandler said, "Hey, I met a guy that's a warden at Tracy." Here's how I got appointed. He said, "Man, did that guy look sharp." He said, "I'll tell you one thing, he runs his place."

Morris: And he doesn't take any guff off anybody.

Procunier: No. And he said, "He looks like that if you appointed him, he'd run it."

Hearle said, "Send me his name."

He said, "I don't remember his name. It's a funny name."

Two weeks later, Paul Haerle -- this is about the first of May -- Paul Haerle tells his secretary -- and he has McGee in there, Ed Meese, and Spencer Williams, in his office -- and he told his secretary, he said, "I don't take any phone calls for

the next hour. Because we're going to pick a director of Corrections." They were going down all the people they'd interviewed. They hadn't heard of me yet.

Morris: Who all were they thinking about at that point?

Procunier: Some guy from Iowa, three or four guys from the Department of Corrections in California, but I think they were zeroing in on some guy from out of state someplace.

His secretary violated his rule when Chandler called. After he said, "I don't want any phone calls." She just opened the door and handed him a note that said, "Chandler said here's the guy's name." And it was my name. That's how close I came to not being the director.

Haerle said he turned around and showed it to McGee, and McGee said, "I sort of thought we should interview that guy." [laughter] So they broke the meeting up.

Morris: How about that. By one phone call.

Procunier: So when people tell me about plans for your future and long range plans for your career, I tell them, "That's a crock." I can give you examples like that in my life. This was within seconds, right?

Morris: Yes.

Procunier: I don't go so far as to get esoteric about predestination. I leave that up to the next life, not this life.

Morris: When had you come into contact with McGee? Did he call everybody in?

Procunier: McGee, I'd worked for him for years. When he was director [of Corrections], he and I were excellent friends, and he had very few. And I'll tell you why. I saved his bacon one time. When I was in Utah. And he never forgot that. He didn't like me particularly. A lot of people don't like me, but they love to have me work for them.

Morris: Did he want to have close control over the institutions of the department when he was running the department in California?

Procunier: I wasn't a warden then, see. No, he's a very, very aloof guy. Worked through Dunbar, who was his deputy. When Dunbar took over, Dunbar was a lousy director.

Morris: He was a better deputy than director.

Procunier: Because he was still playing deputy. You see, the roles I told you about earlier? If I was a deputy, I'd be altogether a different guy than I am now. . . .

So three days later they called me up. McGee called me. I said, "You've got to be joking."

He said, "No, you're in our league now."

I said, "Well I'll be goddamned." Now, the problem I was going to have is that McGee had gone in the wrong direction in the last ten years, as far as I was concerned.

Morris: When he took over that American Justice Institute in Sacramento?

Procunier: Yes. I'm going to tell you a story about that, too. I didn't think much of some of the stuff they got grants for.

Morris: There was an awful lot of money floating around.

Procunier: Yes, that's what I mean. Nonprofit means nonprofit to everybody but us.

Another thing, I stayed clean, and I'll tell you why I stayed clean. Not that I'm good, but I would never embarrass anybody I worked for. Like if I ran around with women, when I worked for Reagan, I wouldn't do it. Which I didn't. But I'm talking about that kind of stuff. I waited till Reagan left, and then I left my wife. I wouldn't even leave her while I was working for him, because I don't want any scandals, or anything that even appears like that. I don't make those commitments. I make them to myself.

Morris: You were saying that McGee took a wrong turn.

Procunier: Took a wrong turn and got too liberal. And I didn't want to have to say that in front of the guy, because he was my super mentor. I really cared for the man.

Morris: You thought he was a good corrections person?

Procunier: Tremendous. But his time had passed. Each of us has his time pass sooner or later, and when that happens to me--I don't know if you can tell how enthusiastic I still am and young, but when it happens to me, I want to know that ahead of time and walk out. I don't want somebody to kick me out. But McGee had been

up at the top so long, he didn't have much touch with the real world. And he had too many intellectuals around him.

Morris: The University of California School of Criminology types?

Procunier: Yes. A. Lamont Smith. There's a hell of a story behind that, too. A. Lamont Smith ended up the dean of that because McGee wanted to dump him. He couldn't stomach him. So he turned him over to them. [laughter] I know that. A. Lamont Smith came back to me trying to get a job later on, and I wouldn't hire him. His strength is his wife, Muriel. Do you know her?

Morris: No.

Procunier: She's the powerhouse, and she used to push A. Lamont. . . .

Morris: So they came down and talked to you?

Procunier: So I came to the interview.

Morris: Who did the interview?

Procunier: Haerle and Ed Meese and Spencer Williams.

Morris: All three of them together?

Procunier: Yes, at one time. I came in and sat down-- And I didn't tell anybody, because I didn't want anybody to know that I was interviewed if I didn't get the job. My ego doesn't deal with those kind of defeats too well.

Morris: When you heard that they were thinking about you, did you like that idea?

Procunier: I wasn't sure. That's my business, and I didn't know-- You see, I never know if I want a job until you tell me what the job is. I know what director is, but I want to know for whom I'm working. More importantly than that, to know what the job is.

Morris: What did they tell you?

Procunier: Well, let me tell you one story aside here that you're going to really get a kick out of. Pat Brown, old Pat Brown, hired his son-in-law Pat Casey in the Department of Corrections, made the director take him as an investigator. And Reagan, during his campaign, says, "The first thing I'm going to do is fire Pat Casey. That's nepotism." He was knocking Brown for--you know how politicians do. He's going to clean things up and all this stuff. And Pat Brown made his wardens -- that's nothing -- Pat

Brown made all of his wardens come pay six hundred dollars for a dinner for his campaign. I wouldn't go. That's not part of the job. And I ain't going to give-- And he didn't care. If you're good, they don't make you do all this stuff.

Anyway, I stopped by Pat Casey's office on the way to the interview, and I said, "Pat, if--" He's the only guy I told. I liked him. He's a good cop. I don't care whether he had the handicap of having his father-in-law being the--that's a handicap. I told him, "If I get appointed director, do you want to stay on as chief investigator?" He said yes. I said okay.

I went over there, sat down. This fits in in a minute. Sat down, and they said, "Are you interested in the job?" and I said, "I wore my best suit today." [laughter] "But," I said, "I don't think you guys are interested in me." I don't know these cats. I said, "I doubt whether you're interested in me."

Paul Haerle said, "What do you mean?"

I said, "Look, you've been interviewing guys all over the country, and I'm nothing. Now you're going to have the local boy come in and be interviewed and then give it to somebody else and make it look good. But," I said, "if you are--"

He said, "We're interested."

Job Expectations

Procunier: I said, "If you are, then there are three conditions." I don't even know where I got this insight, because I'd never dealt with anybody at this level before. I said, "One, you don't mess with my appointments." I said, "I don't even want them reviewed."

Morris: You mean your staff?

Procunier: No, I'm talking about everybody, the governor's appointments, too. I choose them.

Morris: Oh, to the boards?

Procunier: No, to the wardens. They're all exempt.

Morris: Those are governor's appointments?

Procunier: All except two. "One," I said, "you don't mess up my appointments. Two, I don't make any speeches for the party, because I'm not a Republican. Nor am I a Democrat. And three, if you don't want me, you just tell me and I'll leave for any reason that's satisfactory to you. Because," I said, "I'm over twenty-one."

They said okay. Those were the most prophetic words I had ever uttered in my life, because people tried to put their goddam hand in my operation the minute Spencer Williams left, which was very soon [January 1970].

Anyway, they said, "What are you going to do--?"

Let me tell you what a blessing, why I was meant to be the director. McGee was out of town and wasn't there, and I would not have said some the things that I said if he'd been there, because I wouldn't hurt the old man.

Morris: Would he have sat in on this?

Procunier: He was supposed to be there. He couldn't make it. Boy, am I glad. Because I wouldn't have said it. I said, "Well, first of all, we got too much of this going on, this going on. Here's what I'm going to do." I said, "Who'll be my boss here?" I want to find that out.

Spencer Williams said, "I will."

I said, "Well, you'd better be ready to make some decisions, because," I said, "there's some decisions way overdue being made in getting this goddam department shaped up."

It took about that long. That's about how long the interview lasted. I left and I went down and told my wife, I said, "This is the damndest thing I've ever seen in my life." I said, "It's got to be a joke, the interview."

Morris: Did they make up their minds right there and then?

Procunier: Apparently they did.

Morris: They offered you the job?

Procunier: No, no, no. They said, "We'll let you know." I said, "Okay, fine," shook hands, and away we went.

Morris: What did they say to you about what they saw the Governor wanting?

Procunier: They didn't say a thing. I told them what I was going to do, so there was no use them telling me what they wanted. Right? It must have fit what they wanted.

Morris: Did they take you in to talk to Reagan at that point?

Procunier: I didn't see him for a month and a half or so. That's what I really admired about the whole thing.

Morris: What were the decisions you thought were overdue at that point?

Procunier: First of all, we had about seventeen new programs a month. We had acronyms, I think they call them, for them, like PICO, Pilot Intensive Counseling Organization, and SIPU, Special Intensive Parole Unit. No matter how the research came out, we kept them on. I said, "If something turns out to be no good, I'm going to get rid of it." I'm just a real practical guy.

One other thing that helped, I found out later, was they called two people. One was the district attorney down in San Joaquin County where I was, and Sheriff Mike Canlis, who was my sheriff down there, and he knew what a joint I ran. He was my biggest champion. And cops don't like corrections people normally.

Morris: Why not?

Procunier: They see us as namby-pamby guys, and they're the tough guys, see.

Morris: You're always letting people out of prison?

Procunier: Yes, we aren't, but they've got us-- Well, we're the hemorrhoids of the world. [laughter] You know that? We really are. Nobody likes us.

Morris: Yes, gee, prisons are not society's finest flower.

Procunier: Yes, because everybody accuses us of everything that goes wrong. You know why I survived so well, I tell them, "You know what, it's your goddamned prison, not mine." This legislature [Virginia], I go over there, and they tell me--

I say, "Wait a minute. Time out, now." I said, "The reason we're spending so goddam much money in Virginia," I told them, "this year in corrections is because you folks passed the laws that send the people to prison." Here's what I tell them. I said, "Do you realize that I have never gone out on the street and recruited a guy to go to prison? They all come through the

system, through the judges, who are reacting to laws that you passed." I said, "I'm the only guy that runs a hotel in Virginia where the reservation clerk works for somebody else."

You know, I've got this business clear. I'm just a very astute businessman. And this is a business.

So we drive home after [the interview in California] and have dinner. This was on a Friday. Wednesday Paul Haerle called and said, "Congratulations."

I said, "You've got to be kidding."

He said, "No, I'm not."

They had leaked it to the press, too, because the editor of the local Tracy paper called up and said, "Hey, I hear you're going to be the new director of Corrections." Nobody knew I was interviewed, see.

Morris: Why do you suppose it was leaked?

Procunier: They wanted to find out what the papers thought about me. And they also wanted to find out how I dealt with myself in terms of telling folks. I'm sure they were checking on me. Which is fine, I don't care who checks on me.

Morris: What did the local newspaperman do?

Procunier: Old-timer, real old-timer, he said, "I hear you--" I don't lie to anybody. I just was silent. He said, "Is it true or not?"

Public Information as Warden of Deuel Vocational Institution

Procunier: Let me tell you why they thought so much of me in the papers around there. The first day I took this job over there as warden -- the guy ahead of me was a turkey -- I called them all in, all the editors -- can you believe this? -- from Fresno and everywhere, and I said, "I'm going to call you no matter what the hell happens down here." He wouldn't call them when there was trouble. And I said, "I'm going to let you guys decide whether it's news. That's not my job." I said, "They've been deciding news here and then calling you." I said, "Do you want me to call you when it happens or do you want me to wait until the next morning?"

They said, "No, when it happens."

Well, the first thing that happened was at two o'clock in the morning. I called all the editors. They knew I was honest, then, see. They said, "You can call tomorrow morning the next time." [laughter]

And I got the best compliment I've ever had by a newspaper when the editor of the Stockton paper called the reporter there, and he said, "You know what, that's the first honest bureaucrat I've ever met in my life." And he said, "I don't want you tampering with that guy."

Morris: Would that be the Stockton Bee?

Procunier: No, the Stockton Record. The guy's name was Stone. Anyway, I get off on those things.

Morris: By and large, when you were a warden, did you think the newspapers gave you--?

Procunier: Everybody has treated me well all these years. I get more goddam coverage than ten people should. And it's always straight. I've never been misquoted in my life. I said some stuff that ended up in the paper that I wish hadn't, but I said it. So nobody tells me that works for me that they got misquoted. You know what, papers don't misquote people. Flo doesn't believe that, see, because the Washington Post is onto Reagan so goddam much. You know she and I are going to get married?

Morris: Yes, Ed Meese leaked that one.

Procunier: She's so goddam cute in a lot of ways. As sophisticated as she thinks she is, you know, about being high up in government. She's just loyal to those folks. And loyalty to me is a different thing than it is to her. Loyalty is just blind with her. Loyalty to me is understanding the reality, but not knocking it. You know what I mean?

Morris: Yes.

Procunier: We're just different. You can tell when you talk to her. . . . Isn't she a sweetheart? Just the opposite of me. She's unbelievable.

Anyway, the guy from the Tracy paper said, "I hear you've got it."

I said, "You've got some news I haven't got." Then I said, "Can you keep a confidence?" and he said yes. I said, "Yes, they've talked to me."

He said, "I want to be the first guy to report it."

I said, "You be the first guy." I said, "Come out now; I'll give you all the stuff so you'll have it ready to go. But don't doublecross me."

He said, "How do you feel about it?"

I said, "I really don't know how to feel about it. I can't feel it until something happens." Anyway, he turned out to be a neat guy.

III SOME SIGNIFICANT ISSUES DURING THE REAGAN ADMINISTRATION

Taking Over the Department

Procunier: Then Paul Haerle said congratulations. I said, "You've got to be kidding," and he wanted me to come up. That was Friday, a week, and all they'd done is check all that time. That's all. They'd made up their minds after I left, I guess. And I reported Monday morning. But here's what I did. I wasn't sure I made myself clear to them about what kind of guy they were hiring. That's an obsession with me. In fact, my wife used to say, "Don't you want the job? You tell them how bad you are." I said, "No, I want them to know what they're getting."

Morris: Then they can't beef later on. . . .

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Morris: So what happened the first day you went into the director's office?

Procunier: Next Monday I go in, and I go over to Spencer Williams's office.

I said, "Spence, do you realize what I said in there the other day about not messing with my appointments and that I don't make any speeches for the party? Because," I said, "I don't know what you guys expect of a director, but I'm a corrections guy. That's my bag. I'm not a politician." It turns out I'm not that bad a politician, but I'm not a partisan politician when it comes to corrections. "And thirdly, if you don't want me, now, I want you to tell me, because I don't want to be around where I'm not wanted."

He said, "Go to work. We heard what you said..."

When I returned to the office Mr. McGee called me to discuss how "we" were going to administer the department. We agreed very quickly that "we" were not going to administer Corrections but that I was. He had been and still is my hero, but was not prepared to "get into the seventies," which was very apparent to all of us who had recently been in the trenches. Sacramento had not kept up with the times. He retired shortly thereafter and Spencer Williams replaced him. I replaced three wardens immediately in order to gear up for the obvious assaults that were coming from outside the department.

No one could have done that which Mr. McGee had done in terms of establishing an excellent foundation of sound correctional practices and personnel development, but a new day was dawning.

Morris: In terms of what the--?

Procunier: Philosophy was and where we're going and stuff. Because things were heating up about 1967. We were getting a lot of radicalism going on, and that affects the prisons. And they're still up there fat, dumb, and happy, thinking that everything was still going to be the same forever. Okay. How much detail do you want to know about the administration, or do you want to move on? Because I wanted to get geared with the right people in the right places.

Morris: Right. Who were they?

Procunier: Because we were headed for trouble. Now Spence comes over, and about six months later, it was the prison population-- Oh, he appointed--

Adult Authority and the Governor's Office

Procunier: Early on they let me pick the parole board [Adult Authority] members with the appointments secretary. Paul Haerle would call me and say, "What do you think about this guy?" And I'd go interview him. . . .

Morris: When did Henry Kerr come into the picture? Was he one of your choices?

Procunier: Kerr. Yes, I went down to Los Angeles and interviewed him and recommended him.

Morris: Was he somebody who really wanted to be on the parole board?

Procunier: Well, you know, a lot of retired cops after twenty-five years -- like Ray Brown -- look around [for something to keep themselves busy]. That's about the only thing they can do; they're not administrators per se. Hell of a nice guy. Did a nice job, too. He was a very good guy.

But the problem was--one problem with Reagan's style of not meeting with his people-- He didn't need to meet with me, because I was off and running and knew what I wanted to do. Parole board members want to reflect what the governor wants. And if they don't talk to him, they don't know what he wants. And they hear from some underlings, who imply what the governor wants when it isn't what he wants.

Morris: The square getting changed into the circle thing again.

Procunier: And let me tell you something. There's some--this is an unconscious process, and the process I'm talking about is a conscious process, and that's what's called name-dropping or influence, using influence. Now, I'm not talking about Reagan much here. I'm talking about the way the world works. For example, they do that to me here. Somebody on my staff goes out and says, "Well, I was talking to the director the other night," and then what he says from then on is the director's feelings, when it may or may not be. It's his own.

Morris: It may or may not be something that's come back to you.

Procunier: It may or may not be what I want at all. But the fact that he said, "When I was talking to the director the other night," using it in the same context, these people start guessing then what the director wants. You see, I'm never guilty of that. It never dawns on me what somebody wants above me, unless they tell me. And they can send me a message. If they sent me a message, I'd tell them to go back and ask them have they lost my goddam phone number? [laughter]

Morris: Were there times when you found that you were getting suggestions or ideas from people in the governor's office that turned out not to be Reagan's views?

Procunier: They didn't tamper with me. No, let me tell you. That's how clean that outfit is. There's only one guy that tried to tamper with me over there. And when Reagan found out about it, man, it was the last I ever heard of him. They really meant it that day--Ed Meese and Paul Haerle and Spence Williams really meant it that they really heard what I said.

Let me tell you how smart they are. And I'm talking about in a real positive way. They get good folks, man. Another thing that they knew -- we didn't even have to talk about it, but I had to talk about it with every governor since -- is to keep your hands out of my business. If it turns bad, then you can fire me. If you've got your hands in my business and it turns bad, then you're part of it.

When I was negotiating with Randolph Hearst over Patty's life and stuff, I was on the phone to Ed every fifteen-twenty minutes.* He knew exactly what I was doing. And nobody knew it, because if I had fouled it up, which there was a good chance I could have, then those guys were free to fire me. I mean free to be clean of the whole thing. And I don't say that badly. I say that very positively. That's smart administration.

Morris: From your level of administration, it's smart to let them know that you're negotiating with people about Patty Hearst's kidnapping.

Procunier: Oh, let me tell you, I have an obligation. Another book I'd write is the art of subordinateship, not the art of leadership. Because that's more important at this level, that you keep them informed, than anything else. But see, when I inform them [the governor's office], most people, when they inform them, you're asking for help. When I inform you, I'm just informing you. If you make a suggestion, I just hang up and say, "You're now the director of Corrections." . . .

Reagan's people are the only people that I've bumped into smart enough to understand that.

Morris: When did you first bump into Reagan himself or get a call that he needed to talk to you about something?

Procunier: I never got a call that he needed to talk to me. I was the only director ever appealed anything to him, past Weinberger and past everybody. Then I'd see him. And he always ruled in my favor.

*In response to a query from the editor Procunier replied in a letter dated October 31, 1983: "I got involved in the Patty Hearst situation because 'Death Row Jeff' is the one that told me what the SLA [Symbionese Liberation Army] organization was all about, and when I passed it on to the FBI, they got [Randolph] Hearst and me together." Patty Hearst, then a University of California student, had been kidnapped from her Berkeley apartment by the SLA on February 4, 1974.

Morris: Really?

Procunier: We really had a good relationship. He's a real relaxed, down-to-earth guy. He's the neatest guy. And these guys used to just shudder at the thought I'd go in there and see him. I don't really hold the governors and presidents and stuff in awe. I respect them. I have to have a tremendous respect. But their legs are long enough to reach the ground, and I think that people make a mistake by holding them off like that.

Like Weinberger told me, "You ain't going to build any prisons."

I said, "That's a crock." So I-- Reagan was talking about--

Interpreting the Governor's Wishes on Sentencing and Prisoner Rights

Procunier: The parole board, now, was getting really tough, because they were reading the papers and interpreting that Reagan wanted them to be real tough. I told them, "The man didn't tell you to be like this." So I set it up with Spencer Williams, and the parole board met with the Governor. At my initiative, because they weren't letting anybody out. And Reagan is a reasonable guy; he's not a killer, you know. He just believes that people ought to pay the price, but not forever and ever and ever.

[interruption: Procunier's youth director drops in]

Procunier: Now, when they met with Reagan, they understood, and things started being better. Not that they got liberal, certainly, but at least they had some communication, and it was a real person. I don't know if you remember or not, but when Reagan was first elected, he was talking about--he was a pretty right-winger, and talking all this stuff. And these guys were trying to interpret what they read. And I said, "That's a hell of a way to go about doing something." So I insisted that they talk to the-- So they had a meeting with him. I was there, too. He told them he wanted them to do what was right. He said, "There aren't any right answers here, but everybody be reasonable."

Morris: At that point, were you beginning to get the shift away from indeterminate sentencing?

Procunier: No, that didn't happen until after Reagan was gone and I was chairman of the parole board under [Governor Edmund G., Jr.] Brown.

Morris: Were you beginning to get some concerns about the--?

Procunier: At this time is when all the radicals started descending on the department, picketing my office, and the revolutionaries, the CRLA [California Rural Legal Assistance] types--not CRLA people, but they were around in the prisons, too. But all those radical movements down in the Bay Area started descending on the department almost immediately. They started questioning the parole board, and they started questioning segregation and isolation and the way we treated people and all that kind of stuff. Just constant turmoil for the next six or seven years. Suits at every turn.

Morris: In relation to prisoners who were blacks and chicanos?

Procunier: Prisoners' rights. The minority problem, the minority issue.

When I went up there, I was naive. I thought everybody that ran prisons really tried to run them racially equal, that prejudice in prisons was less than it was outside, in my experience.

To give you some idea of where I'm coming from, I go to Tracy as the associate warden first. We have an honor dorm there where there was no supervision. The inmates that went up there were real clean, honor guys up there. And the barbers are always status jobs in prisons, and, especially when the associate warden's there, they cut every hair one at a time. [laughter] Because they want you there to talk to you. And they give you messages. This Mexican guy -- not chicano, this was an older Mexican guy -- cut my hair (and there was another Mexican guy at the barber chair next to me and a black guy at the end) and he said something about how noisy it was in the cell block last night. I said, "Well, hell, L wing is a quiet place." That's the honor dorm. Because people were assigned there according to their jobs. Do you understand what I mean?

Morris: Yes.

Procunier: The job went up there. Whatever body was in a job, went up there. He said, "I live at E wing."

I said, "How come you to live at E wing, man? You're a personnel barber."

Then all of a sudden, it dawns on me. He's a Mexican guy. That's got to be related to it. So I asked the black guy down on the end, I said, "Where do you live?" And he lives in M wing, which is not the honor dorm.

So I don't say anything there, because I don't share my problems with convicts. I went down and called the assignment lieutenant and said, "Hey, what's going on around here?"

He said, "We don't have it integrated up there."

I said, "We will at four o'clock tonight."

He said, "What do you mean?"

I said, "I want you to move every man that's qualified to be up there, up there."

He said, "We're going to have some trouble."

I said, "We're going to have it for the right reasons for a change. We had riots here before I got here about once a month. Now we're going to have a riot for the right reason."

And he shook his head at this naive-- See, everybody writes me off as naive. We moved them up there. And I said, "You tell anyone that's not black or brown that doesn't like it to let me know, and we'll move him out." Because I'm not a crusader. I just want things right. And that ain't right. I don't think the color of your skin should have a goddam thing to do with where you live. It's your behavior. And you can't be bad behavior and be a personnel barber, the two don't mix. Do you know what I'm talking about?

Morris: Yes.

Procunier: So I go up to become the director, and I think everybody's doing that in their prisons. They are not. And so I started a hell of a minority equality campaign, hiring minority staff and promoting them under Reagan, that you cannot believe it. That never could have happened--

Morris: How did you get along with the old fellows in the legislature?

Procunier: Terrible. The right-wing Republican [state senator H. L.] Richardson wanted me hanged. He had a column about me every week, about what kind of a communist I was. You see, I was a communist to the extreme right and a fascist to the extreme left. The whole time.

And this is what takes the courage on the Reagan people's part. They are much more conservative than you can be running a prison. You can't be conservative or liberal and run a prison. Because that's got nothing to do with it. If you run them right, I'm talking about. It's whatever the situation demands, in terms of human decency. You see, a lot of people don't like me particularly, but they'll say one thing, "That guy really runs a good prison system." What they mean by good prison system is that it's fair and decent. Nobody gets brutalized, and nobody gets away with anything, either. Do you understand what I'm talking about?

Morris: Yes. I interrupted you. You started to say that minority staff people couldn't have been hired under Pat Brown?

Procunier: No. Well, you can do a hell of a lot more under a conservative administration that is decent and liberal than you ever can under a liberal one, because the liberals have to get tough. . .

Reagan said to me a couple of weeks ago, "Who's going to accuse me of being liberal?" When we were going to do something really decent. He said, "Who's going to accuse me of being liberal?" So you've got a lot more freedom to be decent under the conservatives than you ever have under a liberal administration.

Look what [Jerry] Brown did, appropriated all kinds of money, got tough on law and order, hollered, "Kill 'em," and Old [Pat] Brown put some board members that should never have been on there, just to make it look like he was tough.

Reagan did not have to look like he's tough, just like I don't, the way I talk and raise hell and bark and stuff. I don't ever have to do anything tough to make sure I'm tough.

Morris: Because everybody thinks you're tough going in?

Procunier: Everybody says, "God, he's a killer." They ask Flo, "How do you get along with the guy?" She says, "He's a pussycat, that's what he is."

Morris: You mentioned H. L. Richardson. Who else in the legislature did you have to do business with?

Procunier: I didn't have-- H. L. Richardson was on my case from the right wing all the time, investigating me all the time. Willie Brown and his crowd from the left side were on my case all the time.

Until we had the San Quentin incident,* and then Willie Brown and I got to be friends. But up to that time, the liberals on the left-- There's an ex-quarterback out at Berkeley.

Morris: Tom Bates?

Procunier: No, Bates and I are good friends. The one that Richardson punched out on the senate floor that time.

Morris: The guy that preceded Tom Bates. [Ken Meade]

Procunier: Yes, he's an ex-quarterback from Berkeley. Got to be a hippy. He was a hippy.

[After the interview concluded, Procunier returned to the San Quentin incident. The following passage is reconstructed from notes taken immediately after the interview.]

Procunier: When those three guys were killed at San Quentin, and we shot George Jackson, I was down there from my home in Davis in seventy minutes and we went in there and quieted it down.

Then Willie Brown and [Congressman] Ron Dellums and Carleton Goodlett said they wanted to talk to the convicts -- it was purely a black and white situation that blew it up -- to see if there was brutality by the guards. I said sure. Boy, my people were really uptight and said it was a crazy thing to do.

I said, "Listen, anybody can be a good warden when things are going well. You can only tell who's really good when there's trouble. We're going in there and those guys are going in there with us, and they're going to talk to the prisoners, too." And do you know what I did? I had Goodlett examine every one of those inmates.

Morris: Interview them for his paper [the Sun Reporter]?

Procunier: No, to be sure we hadn't brutalized anybody. He's a doctor, too, you know. That's what they thought had happened.

And since he saw how we handled those black prisoners when things got out of hand, Willie Brown and I have been friends. There's ways to deal with it and still treat people like human

*In August 1971, six San Quentin prisoners and a judge died in an aborted escape attempt in a San Rafael courtroom.

beings. If I had been at Attica [New York state prison] when the riots broke out [in the summer of 1972], they never would have gotten out of control. And if it hadn't been for Attica, [Nelson] Rockefeller would have gotten the [Republican] nomination for president. The riot showed he was not in control of things.

[Transcript resumes. Interruption: phone call]

Procunier: The key issue that I want to communicate is that my whole picture, if you have to paint a picture, about the Reagan people, working for them, is that they take a lot of pains to pick people. I know it sounds kind of egotistical.

[interruption: Procunier's director of training, Marty Sanford, drops in with a question]

Morris: How about women on prison staffs?

Procunier: There was a big flap over introducing women. We started that in California. Under Reagan.

Morris: Were you looking to recruit women, or were women asking to--?

Procunier: No, we did it deliberately. We deliberately did it. I set up a woman's advisory committee and met with them once a month, trying to understand the problems related to women working in the prisons.

Let me tell you what I'm all about. When I found out that minorities weren't treated properly, I hired a black consultant and a chicano, and all their job was to follow me around and go through the department. First I had them follow me around for a month to see if they thought I was sincere. Because if they didn't, then we can't do business. Because I'm not going to struggle with my own people.

On the women issue, for example, take Marty Sanford. She's head of the academy here in Virginia. You can tell what kind of relationship she and I have. She's just fabulous. And she never was able to express herself until I got here. I found out she's okay, and then I turn her loose. I learned all that; a lot of this is that you get good people and you just turn them loose. I don't want her boring me with the details about [what she's doing]. If I was the training officer, then that's my concern. I've [had] that very job. But I don't want to do that over anymore. That's the difference between Ed Meese and the top guys in the Reagan administration. They get good folks, and

they let them do it as long as the parameters are within what they can live with.

Rehabilitation and Classification of Prisoners

Morris: I came across a report that was put out by an assembly committee in 1969.

Procunier: The black caucus committee?

Morris: No, this is a more general thing.

Procunier: Oh, yes, it was put out by the assembly?

Morris: The California State Assembly in 1969. It says that "none of the factors studied altered offender behavior to any significant degree." Then there was an attorney general's study of prisons. Were they something that you had participated in, or were they coming in and taking a look at you?

Procunier: Everybody was looking at us all the time and then suggesting how we should do things. I was one of the first guys in the United States -- in fact, I think I told them that when they interviewed me -- to say that prisons were not made for rehabilitation. They're there to house the bodies of the folks that you can't get along with out here. And then you do everything you possibly can to treat them decently, feed them right, keep them warm in the winter and cool in the summer, and clothe them properly, and have good visiting programs if you can, and make them decent, and provide all kinds of opportunities to learn. But you can't force anybody to do anything. This whole idea of holding the prison responsible for rehabilitating thugs is the most ridiculous concept in the world.

The story I always use when people want to get on our case about that -- I tell them, here's the guy that we're dealing with. His mom and dad were separated when he was three years old. He's been living in poverty conditions and hustling all of his life. Been a dropout in school ever since kindergarten off and on. Finished nothing. And robs and steals and mugs folks, comes to prison, and all of a sudden we're supposed to turn him into a guy that can tear a schoolhouse down to get inside of it? What makes you think that in a perverted society, which is a prison--no women, no freedom, no choice, no nothing--a guy's going to be motivated, where out in the good world, where you all live, he isn't worth a damn out there?

So it's clear to me. This whole business is so simple, that social workers, reformers, and stuff are the ones that mess it all up and continually do it.

Morris: Then how do you decide when they come to you which ones are going to be able to--?

Procunier: Do what? Be put out in camps, or--?

Morris: Yes.

Procunier: We have an elaborate classification system.

Morris: You're going to be able to--

Procunier: People fit into very limited parameters pretty accurately. And every once in a while you make a mistake. But I can describe the classic, the typical admit that you'd have in camp and the typical admit that you'd have in Folsom and all that. Just by some characteristics and how they behave. How sophisticated they are or unsophisticated.

The big struggle in prison work is to keep the unsophisticated ones away from the sophisticated ones as much as possible.

Morris: So that's kind of a segregation.

Procunier: Segregation is the most dramatic thing that we have to do; and the most successful thing we do in prison is segregate people. Not along racial lines. But along sophisticated lines.

Morris: In terms of their--

Procunier: Physical size has something to do with it. A nineteen year old guy that weighs a hundred and thirty-five pounds, a nice looking blonde kid, you don't put him with some guy that's two hundred and eighty pounds and who's been in prison for ten years and likes little boys.

Morris: More people in prison like little boys than in the outside world?

Procunier: While they're in prison, they do. It's a situational thing more than it is a biological thing. You have all kinds of situational homosexuals in prison. And it takes all kinds of degrees of homosexuality. For example, there would be a lot of guys that are not perverted in any sense, but they'll participate with somebody orally copulating them, where they won't commit sodomy on anybody. Then there's other guys that it doesn't make any difference what happens. . . .

Criminal Justice Task Forces; Generations of Corrections Professionals

- Morris: What I'd like to ask you about is some of these task forces you served on, the Reagan--
- Procunier: CCCJ?
- Morris: California Council on Criminal Justice, and earlier there was a task force on criminal justice, the California Council on--there was a task force on criminal justice legislation. I sent you some minutes about that.
- Procunier: I was the chairman of the corrections subcommittee of the CCCJ task force.
- Morris: Did you find these useful? Were there some new ideas coming out?
- Procunier: No. Let me tell you something, there hasn't been a new idea in corrections in the last hundred years. The only thing that guides what you do in the system depends on what the administration wants, in terms of the person they pick to run the place. The whole department is a reflection of the director. And if the administration picks the right guy, he should be a reflection of that administration. It's all politics. The whole bag of corrections in the world is all political.
- Morris: Do you have a sense that it's more so than other areas of public service?
- Procunier: [after a pause] Yes, much more so. And I'll tell you why. The youth part is not. . . .

When everybody says, "How are things going?" I never think of the youth, and nobody ever asks me about them. Isn't that incredible? It seems to me society would be asking only about the youth section, because that's where the hope lies. I think this is very significant.

Nobody sued Allen Breed [director of the California Youth Authority in the 1970s] the whole eight years. And I told him, "Allen, you're the guy that should be under fire, not me." [laughter] "Because you've got the youth, and that's where you either make or break the guy, when he's in youth, not when he's in Folsom [Prison]." Who gives a--? You know, this is where all the concern was, a fourteenth term in Folsom and he's

sixty years old, and everybody's worried about his condition, and nobody ever bothers Allen Breed about a thirteen-year-old in Preston. Does that make sense to you?

Morris: It's curious.

Procunier: The curious part about it is, let me tell you, nobody ever really [raises a fuss about them]. Out of sight, out of mind, with kids that are delinquent. But the adults get a lot of attention, because they stab each other and riot once in a while.

Morris: That was one of my questions. Let me turn over the tape.

##

[brief irrelevant passage at beginning of tape deleted]

Procunier: I want to tell you something nobody else is going to point out to you, is that Heman Stark and Richard A. McGee and Karl Holton and those guys all had their times. But the trouble is, they stayed on past their time. McGee, I could have never done what McGee did. He's a master administrator. But he's a master builder. And I don't-- I deliberately stay away from any form of intellectualism, because I can't stomach them. But there's a place for them. And there's a place for planners. And a place for schemers. I don't say scheming as a bad word. And manipulators. He was the best in the world. And I'm talking about all for good, too. But when it came time for the war to come on -- this is preparation for the war; when the war was on, McGee couldn't have done what I did.

Morris: Because of the changes in society? Is that what your concern is?

Procunier: Yes. And McGee is not that kind. I'm a rough and tumble kind of guy, and I don't like to sit around agonizing over issues and theorizing and talking. McGee just had some tremendous people around. They're all my really good friends. Like Milt Burdman and Dr. Norman Fenton.

See, let me tell you where I feel so lucky. I'm with the old, old group, I was a part of. That's McGee and Austin McCormick and Karl Holton and all those. They're all good friends of mine. I went through the other era, and now I'm with the new folk. So I've been part of three generations in corrections. I'm the only guy in the country who's ever done that. I mean that's still active. These guys are good friends of mine. E. Preston Sharp. And all these names, these big

names in corrections, historically, over the years. They've all been friends of mine.

Diversion for Young Offenders; Community Polarization

Morris: And what you've evolved at this point is this theory that you use diversion programs for everybody except the toughest ones?

Procunier: Yes. Let me tell you what my whole philosophy is about. That you do not send anybody any further into the system than is absolutely necessary, because once the system gets ahold of them, they're done. It takes a tremendous person to extricate himself from the system once we get ahold of him.

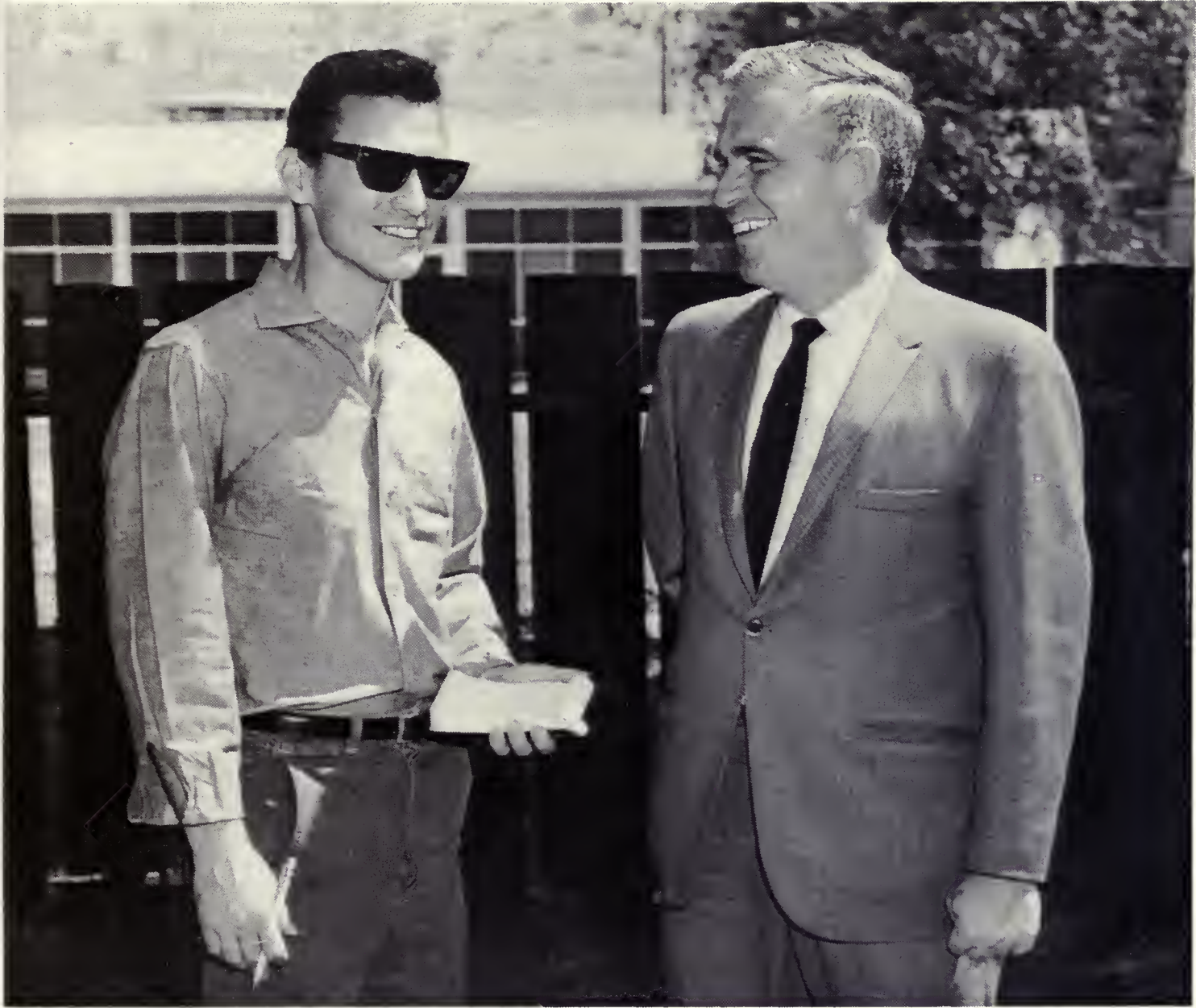
I lived in Davis, among all those [University of California] intellectuals out there. And every time a kid would get in trouble out there, they'd come to me, the parents would. And that's my advice to anybody, I said, "Get the hell out of here." I said, "Get your best lawyer and beat the case. Don't worry about justice, that's the last thing you're looking for. Keep your kid's name out of the book, and keep your kid-- If you have to, quit your job; get a job at the University of Oregon as a professor, and take them the hell out of here. Because once a kid gets tainted, then he's beginning to go to Folsom."

This is why I'm so concerned. I say I'm not a crusader, but in my own way I do. I think we ought to be emphasizing what's going on with youth, man. To hell with these older guys.

Morris: It looks like there were increases in the younger people going to the state prisons.

Procunier: Let me tell you why. It's because all of a sudden, middle America became interested in corrections when I was the director, and do you know why? Because their kids were smoking dope, if you remember. And you know what they all felt? "My kid is not that bad." Well, you know what? Every crowd thinks her chick is the blackest. And let me tell you another thing that I know for sure, too, is there's a much better feeling in lower class America in the family than there ever is in upper middle class America. Better--

Morris: Stronger family feeling?



Mr. Procunier, *right*, with an inmate at a California state correctional facility, 1968.

Photo courtesy Department of Corrections

Procunier: Stronger family ties, because they're tied together against things. The way I summarize it is that I have as good a concept of what we're talking about as anybody in the world. And I don't want to write about it. I don't want to teach it. I just want to do it.

Do you understand what I'm talking about?

Morris: Yes. So that these--

Procunier: And the problem is that we've got so goddam many theoreticians on campuses and people that write well and talk well and that set the goddam tone for the public opinion.

Morris: What about things like the Own Recognizance project?

Procunier: Let me tell you something. I stay within my own parameters. And that's [outside] my involvement in this thing.

Morris: Okay. That was also coming out of all these community activist groups.

Procunier: Let me tell you what happened here, is that the community activist groups helped set corrections back five hundred years by being so goddam radical. . . . The thing wrong with the revolutionary types is that there's no authority that's any good. Right?

Morris: Right.

Procunier: And all cops are bad and all corrections people are bad. The trouble with the right wing-- Let me draw you a circle. [goes to the blackboard] This is like reliving my life again. If this is the political spectrum [he draws a circle], and this is neutral, which everybody claims that he is or she is, right? They're neither radical nor conservative.

Morris: Right. Very objective and well-balanced.

Procunier: Okay. Down the left side of the political spectrum, here's Willie Brown, and down the right, you go toward here, and here's H. L. Richardson, and they're in exactly the same spot facing the opposite way, saying the same stuff. If you listen to their rhetoric, it's exactly the same. This guy's saying blacks, poor people, and this kind of people are no goddam good. This over here says that cops, prison people, Republicans, no good. You know what, neither one of them has got any form of perception of what's going on in the world. And let me tell you, it's profitable. The thing that's wrong with that, it's profitable.

Morris: The extremist point of view is profitable?

Procunier: Very profitable. For H. L., because he comes from Azusa and he gets elected all the time. If he talked any other way, he wouldn't. Willie Brown comes from San Francisco. If he said anything reasonable, they'd run him out as being a right-winger.

Morris: Did it used to be that way?

Procunier: No. One of the things that helped polarize this thing, really polarize this thing, was the movement that started about-- lightly in the racial area. See, this is the most difficult thing that anybody has to deal with. And it's not got anything to do with color or skin as much as it is that you're different from me. And you know what? We're going at it backwards. I was wrong for a long time; we were going at it as if there's no difference, you know. At one time, I remember they used to preach that before we can solve the problem, we've all got to be brown skinned. No more black nor white. No more yellows. We've all got to interbreed to the point where we're all the same color. Then we're going to start talking about height and fat and short and all this.

First of all, the struggle that we're all talking about is life. The ideal that we're talking about is a myth out here, and in the process of this life is where the glory is. And I'm not a preacher. I didn't mean that in the same sense that preachers do. Fulfillment and all the rest of that is in the process. The road is better than the end. Everybody wants to get to the end. And you know what, that's death. Everybody's seeking death, not life. Let me tell you what, that's security. Where we're hung up, wrong, is that everybody is seeking death. That's inert.

Life is a constant moving thing that you take one step after the other into total darkness on faith. That's what faith is all about, as opposed to belief. That means translated into the English language that you believe something to be so. And the problem is, we've got that kind of power somehow. So what you do is, you create a world out here that you think you want, and that's the worse goddam thing that can happen to you.

Morris: It's never what you thought it was going to be anyhow.

Procunier: It all turns sour the minute you attain it.

Sacramento Secretaries of Health and Welfare

Morris: As the Reagan administration moved on, there were several changes of secretaries of health and welfare. What happened?

Procunier: I say I wore out seven of them. [laughter] There were seven of them, that I had.

Morris: Was it all your doing?

Procunier: One of them sure was. One of them told me he was resigning because of me.

Morris: Which one was that?

Procunier: Jim Hall. The best one I had.

Morris: He was the best one, and he resigned because of you? What happened?

Procunier: You'd have to talk to him about that. He's still available, too. He may not want to share that with you.

Morris: Other people have told me he was the best secretary that they worked for, too.

Procunier: Let me tell you why he was the best: he saw his role properly. He said, "My role is to expedite your work."

I've got hundreds of commendations and plaques that I throw in the wastepaper basket; I kept the one that he gave me. Because that's how much meaning it had to me. And he said, "You keep on being as ornery as you are." He understood that ornerness was toward a purpose.

I don't know what you're going to do with all this, because what I'm talking about, you're going to have to edit to beat hell, right?

Morris: Yes. You get first look at it.

Procunier: I prefer not a lot of swear words on my part, I really do.

Morris: I hear that, but I need to leave a few in, because--

Procunier: You've got to have a few in, or nobody is going to believe it's me.

Morris: Right. Nobody is going to believe that we talked to all these people, none of whom ever said damn or hell.

Procunier: Nobody is going to believe it is me if you don't have some swear words in there, too. That's part of my deliberate image. You understand that.

Inmates and Administrators

Morris: Yes. How much contact do you have with the convicts themselves?

Procunier: All the time. That's where I spend my time. And that's got nothing to do with me swearing, though.

Morris: It doesn't?

Procunier: Oh, no. My grandad used to swear, and I really liked him. When I was the chief deputy director of the health department [in the Edmund G. Brown, Jr. administration] for Dr. [Jerome] Lackner-- Do you know him?

Morris: Yes.

Procunier: Big mustache and all that. He just loves me. And I love him, too.

After I was there for a while, he said, "You know what, the English language is much more expressive when you're around." He even started swearing a little bit. I don't try to do that. But I have a real need to impact the world I'm in, and I've got some ideas that I think are good, or I'd change them. And they change from time to time.

I don't like average people. Because I don't think there's anybody that feels he or she is average. I don't look at inmates as average people. I don't look at them any different from anybody else. And they appreciate that. And they respond to that, too.

Morris: Dr. Brian, I understand, wanted to put the Department of Corrections and the Department of the Youth Authority into one--

Procunier: Dr. Brian wanted to do everything just to be doing something. Every day he'd have a new idea. And I just ignored him. He'd tell me, "I'm going to put a deputy director over in your department." I said, "No, you're not going to put anybody over

here." He said, "I got one in every other department." I said, "Don't tell me about those wimps that work for you." [laughter]

See, I don't see myself as being a colleague of somebody if they don't deserve being a colleague. The reason I like Ed Meese and Governor Reagan and Spencer Williams -- and some of them [others] I didn't like -- is because these guys were real true colleagues. Not that we didn't fight -- and Verne Orr -- but they were real people. They were after a purpose, man. There was nothing self-aggrandizing about Verne Orr. And he played a big role, because he was finance. And Ed Meese. Ed Meese is just a guy straight ahead, man. Even if he's wrong, I admire him. Because he truly believes what he's doing. And I don't do a goddam thing I don't believe in.

Morris: What kind of sessions did you have with Verne Orr?

Procunier: Terrible.

Morris: Did he succeed in getting you to cut back on the budget?

Procunier: Hell, no. He accused me of being insubordinate. He said, "You're running around the state running your mouth that Reagan hasn't cut you."

I said, "That's going to be to his benefit one of these days."

Let me tell you when he really began to like me.

Morris: Verne?

Procunier: Verne. I go to Washington now, and he tells his secretary in the Pentagon that when Procunier shows up, break him out of the meeting. That's how tight we are. The reason it is, is that there are two reasons. One, it was in [Lucian] Vandegrift's office one night that he took me in the next room and said, "You know what, you're insubordinate."

I said, "No, don't tell me I'm insubordinate. I know what that means." And I said-- You know what, I do all my fighting inside the family. Then when I go to the legislature, and Senator [Randolph] Collier threw Burton-- Remember Burton, from San Francisco. John Burton. John was trying to get two hundred and fifty thousand dollars extra in the budget, and I said, "No, I don't want it."

He said, "What do you mean, you don't want it?"

I said, "I got my budget." You see, this is when the Reagan people started to wake up that I was-- That's what loyalty to me means. . . .

Now, Attica came down [in 1972]. I got calls from all over the world, London Times, Tokyo News, or whatever they call it. And every paper in the United States saying, "Procunier, how much more money do you need?" I said, "Not a nickel." The Reagan administration couldn't believe it.

Morris: You mean after the riots in New York, California wanted to beef up the status of--?

Procunier: No. New Jersey would call, a reporter from New Jersey would call and say, "How much more money do you need?" Because they [people at Attica] were hollering they didn't have enough money. I said, "Not a nickel." They said, "What do you mean?" I said, "I have got all the money that I need to run this place properly," and I said, "I'm aware that I can't have everything I want. It would be a mistake to give me everything I want. But I've got enough money to run this place properly, or I wouldn't be here."

Nobody believed me. Here's what [James] Dwight [then deputy director of Finance] said. He said, "I didn't believe you." . . .

I tell them I guarantee my work. They say, "You're the only guy I ever heard say that." I said, "I'm the only guy that's that good." I can guarantee this work.

A Reasonable Prison System

Morris: What's your criteria for guaranteeing that the prisons don't have a--?

Procunier: You have a riot, it's put down with no problem, very quickly. That the violence in the prisons is at a minimum. I don't say it's eliminated, because if you've got a lot of thugs housed in the penitentiary in a five-acre plot, you think you're not going to have any violence? Make sure the morale is good; they're fed good; they're not brutalized. And you've got what any person would say is a reasonable system. I guarantee that.

I guarantee you no Atticas. There's no such thing in my book. They asked me, "Are you worried about it?" I said, "No."

I don't negotiate with convicts when they've got a knife in somebody's throat. I shoot 'em. And if the person that's got the knife at his throat gets shot in the process, I feel bad about that. They all know that.

Morris: Why didn't you stay in the navy?

Procunier: [pause] I tried to get back in. I've never told anybody in my life. And they didn't take me.

Morris: In 1950?

Procunier: No, in 1946, when I got out. I was out for two months, and I tried to get back in.

Morris: I can see you running a squadron of ships.

Procunier: I was a navy pilot, and a damned good one.

Morris: Yes, but eventually pilots become skippers.

Procunier: Oh sure. I'm glad now. You know, everybody says that. That's another thing, I never go back and review anything that happened as to good or bad, and I'll tell you why. Because the human mind makes it okay. Has to make it okay. That's the beautiful thing about it. We'd all go crazy if it didn't. But I was scared; that's why I wanted to go back to the navy. That was my home.

Morris: It was cold outside [in the civilian world]?

Procunier: Damn right. I had to get out here and compete with regular folks, and here I was at twenty-one years old a full lieutenant. That's like being vice governor at thirty. I enjoy status. I pretend I don't. I'm friendly with everybody, but I have probably more status need than ninety per cent of the people you run into. But I got them all masked so well that nobody really catches that.

Morris: [chuckles] They say that some people end up back in prison because they find the outside world too cold and hard.

Procunier: That's one thing that I think I realize, that it's too cold out there. This is why people come to prison. The only thing that they're missing out there, that people overemphasize, is sex. And they adjust to that real fast. They either become celibate, or they sublimate it in a million different ways, or they participate when the need comes in a way that they sort of close their eyes and let it go.

- Morris: I have about ten minutes left, and then I will let you wind up and do something else you need to do. You mentioned that diversion was something that was going to come whether--
- Procunier: Let me tell you why you can't afford not to anymore. And another thing, they've had enough diversion, bad diversion, to know what not to do, too. We have the best--
- Morris: Was that just getting started in California when you were head of Corrections?
- Procunier: Yes. They had passed the laws to get it going, and we fouled it up so bad you can't believe it, because we waited too long. We didn't have the-- We went into it too fast and too furious. We have the best diversion program in the United States going on in Virginia right now. Because I am really conservative about that. I believe that people that are violent should be locked up. Those that are not going to cause any trouble, and they don't steal that much to really be a nuisance, should be out there and given a chance. But when they mess it up, then they ought to come in.
- Morris: Tell me about the legislation in California.
- Procunier: McGee was a genius in anticipating that. When they tried to pass legislation when I was there, I closed it off. We had more legislation that we weren't living up to. We had more freedom that we weren't using, so there was no need for that. That's McGee's genius.
- Morris: To get more laws passed?
- Procunier: No, to anticipate what the needs were and give you the parameters in which you've got all the freedom in the world to operate. I was trying to contract the system from all that expansion. One reason I like it here so much, there's a need to expand it, but very little, here. Slowly.
- The problem ultimately becomes an economic problem. Especially with the intrusion of the courts into the prison system now. You no longer can have warehouses for people and slop for food and brutality and stuff. Which is okay. I always used suits to get what I wanted from the legislature.
- Morris: You would bring suits?
- Procunier: No, I would use them when they came down.
- Morris: Oh, I see. The publicity--?

Procunier: Not publicity. No, you'd go to the legislature for a request. Like three hundred thousand dollars at the pen to clean it up a little. The courts would order it. I don't do it dirty, though.

I don't believe in elaborate country club places. I think they ought to be very austere, but they ought to be neat and humane and decent, warm. I think prisons should be punishment. And the segregation itself is punishment. But that doesn't mean you whip on people or you take their rights away from them.

Morris: Did the increase in the number of young people going to prison affect how they operated?

Procunier: Oh, yes. They are a lot more volatile, crazy and volatile. Youngsters don't have any sense. And they just have to have something going. The old-time con became a thing of the past.

Let me tell you something. The better your criminal justice system is, the more difficulty you have in prisons. Let me tell you why. When you got all the check writers, the guys that sing too loud in church or prison, they're nice folks. They have a leavening effect. You get rid of them and divert them where they belong and keep them out of there, then you got nothing but the bad guys left. And they kill each other, stab and raise hell. You see, the convicts that are in there are convicts and going to stay convicts; they don't care. They live from minute to minute. They see some kid, they'll go to bed with him if you'll turn your back. They're animals. Toward the animal end, okay? You got the nice folks in there, you get them out of there, and guess what you got left over?

Morris: The real tough ones.

Procunier: And you know what, it's going to get more difficult every year here if what we're trying to do works.

There was a lot of trouble we had [in California] while I was director, but you never heard of it, and you know why you didn't ever hear about it? (And this is what pleased the Reagan bunch.) I know how to handle it.

Morris: So that it didn't get out of hand?

Procunier: No, I don't cover it up. I let them know, but it doesn't blow into an Attica or a news kind of thing.

Federal Law Enforcement Assistance Administration, A Way to Help
Improve Local Jails

Morris: It seems as if there was a lot of time spent by the Reagan people on the various task forces on criminal justice and the California Council [on Criminal Justice].

Procunier: Oh, that's a big thing. [Herbert] Ellingwood and Meese and Allen Breed and I all spent a great deal of time on those.

One of the reasons I participated so much was not because they wanted me to. This was a real opportunity, I felt, to help the local people at the county jails. I didn't take a dime of LEAA money, on purpose. We diverted it all out into the communities. That's where it starts.

The guy goes to jail to start with. Everybody is worried about unauthorized and forceful sex in prison. That happens in the jails, not in prison. The guy's in there for a long time first, you know, and they don't have the controls we have. We don't get them until they've been in jail for six, eight, nine months, sometimes two years, according to the trial.

Morris: They're sort of in limbo, waiting for trial and going through pretrial.

Procunier: Idle the whole time. And you might as well take a look at the jail. The morale is bad among the inmates. They just lay around all day. At least we got them busy, school, work, and programs, staffed up right.

[staff member comes in briefly]

##

Procunier: That fellow is an ex-colonel. See what a fabulous guy he is?

Morris: Yes.

Procunier: I get the best people in the world, and then I sit back and look good.

Morris: Did they come in from the court martial and army prison routine, or--?

Procunier: One guy did; another guy down below was a tank commander. Then later he was the comptroller for all the European theater. He's my business manager. He was a part of the military police,

running prisons and stuff. And the deputy director, who's gone today, Bob Landon, was a military commander.

Morris: From the military police?

Procunier: He ran Fort Leavenworth and those places.

They add something-- What they say I do here is refine it. They know the mechanics of it. I'm not mechanical at all. They develop the procedures. I've never read one in my life. I don't pay any attention to procedures. I know what's supposed to happen. I tell them, I don't write the rules, I make them. I don't obey the rules; I make them.

Morris: You make them. Then they have to listen.

Procunier: Then they put the words together with what we want done. I'm the worst routine guy in the world. I even pull weeds out of the goddam garden by the fistful, because I can't stand to pull them [one at a time]. That comes from my dad, working in an assembly factory, and it killed him.

[interruption]

Morris: You were telling me about seeing the CCCJ as a way to get money through to the counties to improve jails. Did you have some kind of liaison with the county jail people, as the head of a statewide agency?

Procunier: I had a committee. I'm chairman of the committee, the corrections committee. Evelle Younger [then California attorney general] let me do anything I wanted to do. In fact, I quit after a couple of years, because I wanted to give somebody else a chance. It went downhill. He called me back up and asked me if I'd take it over again. And I did.

I had Dwayne Lowe on it. I had a lady probation officer, Margaret Greer, from Orange County. The chief probation officer from San Diego County, who is now the chief probation officer in Los Angeles County. Another sheriff, and somebody else from out in the field. In fact, we withdrew from LEAA. That's how ornery we were.

Morris: The Department of Corrections?

Procunier: No. The CCCJ subcommittee withdrew from LEAA.

Morris: You did?

Procunier: Yes. We wrote them a letter.

Morris: Why?

Procunier: They weren't going to let us build an addition down at Weaverville jail because it didn't meet their phoney old liberal standards. So I just wrote them a letter and said, "You need us more than we need you, because you've got the money, and if the biggest state in the union won't take it, your program is going to be subject to some pretty heavy scrutiny." Right?

Morris: Yes.

Procunier: I wrote them a letter, and boy, they had a staff man out there right away trying to make it nice, and they approved the damned thing.

Morris: The Washington staff people?

Procunier: Yes. We threw a big tantrum is what we did. [laughter]

Morris: Was that mostly run from Washington, the LEAA?

Procunier: No. It was run by CCCJ, but there were some rules and regulations out of Washington with parameters within which they had to fit, and we didn't like them. So we just quit.

Morris: Was all that money useful?

Procunier: Let me tell you what was better than anything else. It was an indication-- First of all, it was a political ploy on Nixon's part to-- It was symbolic that the government was interested in girding up the criminal justice system that was being attacked by all the leftwingers. Do you remember that?

Morris: Yes.

Procunier: See, that was the issue.

IV CONCLUDING THOUGHTS

Liberals, Natural Crime, and the Evolution of Society

Procunier: Another thing that bothered me is that all those creative and innovative people make me want to vomit. And I'll tell you why. Can you believe people sitting around to try to be creative? Creative is an intuitive, natural flow from freedom. I sound like a professor, right?

Morris: Well, the professors have argued for years and haven't been able to define creativity.

Procunier: Well, I would define it--creativity comes from a free flow and what we're all about without a lot of--you know, like [Alan] Watts says, the brain's not a muscle. If you want to remember something, you can't force yourself to. You relax and let whatever memory is there come through. I know I sound different from a corrections director, but that's the way--

Morris: You go with the flow. That sounds like Jerry Brown!

Procunier: I'll tell you a book that you ought to read if you haven't read it, The Wisdom of Insecurity by Alan Watts. Watts is my favorite man. He died here not too long ago. From Sausalito. He wrote a lot of books which I like.

Morris: About eastern philosophy.

Procunier: Yes, he was halfway in and halfway out of that stuff, which I don't want to get into that deep this trip around. But he wrote The Wisdom of Insecurity.

Morris: Toward the end of the Johnson administration, there was a big federal study, and they put out a manual called The Challenge of Crime in a Free Society.*

Procunier: Yes. There were two or three other reports that finally started to deal a little bit with what causes crime. . . .

You see, what we're talking about, and this issue is so simple that nobody wants to deal with it in its simplistic form, because that means we've all got to do something about it. If we keep it complicated and theorize about it, then all the daytime liberals can go to their Berkeley Hills houses with the swimming pools in the evening and still claim that they're worried about those black folks running around Hunter's Point. If you get it down to the simplest terms, it is that you ain't going to have no crime except natural crime, if we get a lot closer to being equal.

[Procunier's secretary stops in to say good-night]

Morris: What's natural crime?

Procunier: A man kills his wife, or a wife kills her husband, or a son kills his father. All things we can't really deal with. Some guy kills another guy in a jealous rage.

Morris: Somebody steals somebody else's prize horse?

Procunier: Yes. Then they hang him. Natural crime, I think, comes out of impulse or passion. But I'll tell you one of the biggest problems, one of the reasons that nobody ever deals with at all, one of the things that started crime on the tremendous rise, is television [and the other technological stuff that has changed the way we live]. You could be black and stupid -- and I use my own life as an example. I was a kid in rural Michigan.

We were so separated from what was going on in the whole world that when we'd go into town, my brother and I, we saw the red cross on the drugstore door. We thought it was a swastika. We didn't know the difference. We thought, "Goddam Germans own that drugstore." You know, we talked and all this. Now I have an adopted daughter six years old, and I've got five grandkids

*U.S. Government Printing Office, Washington, D.C., February 1967.

that you can't believe their conversations. They're incredible. And my thirteen-year-old granddaughter is one of these high-achievement, high-potential people that goes to the University of Davis at thirteen. She's in computers and all that stuff. I don't worry that they can't be kids anymore, because this is the whole evolutionary process, this business of our growing.

So I'm not trying to go back to the good old days. I'm just trying to explain the phenomenon that we've got. What we consider to be unhealthy, breaking up the family, kind of growth, is natural. This is the natural form of things right now.

Morris: But it also makes more opportunities for crime?

Procunier: Oh sure. And another thing, the only thing psychologists are worth anything for is that they taught us that if you put people too close together, you got problems.

Morris: They're going to get in each other's way.

Procunier: Rasty at each other. And another thing, our society changes. I'd say a good third of the people, maybe a half, of the people in prisons today would have been hired hands when I was a kid.

Morris: Yes. And there's no hired hands--

Procunier: There ain't no hired hands. When I lived in Michigan, every farm in the United States, thirty acres or more, had a hired hand. He was a little bit retarded maybe.

Morris: But not for the life he led.

Procunier: Oh, it was beautiful. He got up in the morning and milked the cows. Then on Saturday he'd go into the town, get drunk, they'd call Farmer Watson up; he'd go get him and the sheriff would not lock him up and make a goddam criminal out of him. Even if he broke into Joe's drugstore, the farmer would give Joe his cigarettes back he stole and take him back to the farm so he could milk the cows on Sunday morning.

Prisons as a Microcosm of Society

Morris: How did the local communities feel about taking their responsibility for these diversion programs that--?

Procunier: Here?

Morris: In California.

Procunier: There's no such thing as local communities in California. The difference between Virginia and California is--

Morris: There's no diversion programs in California?

Procunier: Oh yes, but there's no identity within a locality, because there is no such thing as a community in California. These people call them localities here. But let me tell you something, if a stranger walks through the town, everybody in the community knows about it, and they may do something about it, or they may have a town meeting. If we go to put a prison in one of these areas, these folks decide whether we're coming there or not.

Senator [John] McCarthy when I was first director didn't even know that San Quentin was in his district. He'd lived there [San Rafael] all his life. It's so impersonal. The first thousand people I met in Virginia told me "welcome to Virginia." I never heard that all my life. In California they shake your hand when you leave. Right?

I want to tell you one of the reasons that I like to evaluate Reagan and those people like no other people do. I'm a student of history. In this business, you'd better be alert to what's going on in the world, or you miss the whole point. I don't moralize about it. But I've got to know where I am. The history, I have to know the history. I know more about the history of corrections in California and in Virginia than anybody alive, and if I went to Iowa, I'd know the same thing.

Morris: You're saying that what is happening in the outside, in the community at large, is going to show up in the kinds of people who come [to prison]?

Procunier: They're a microcosm. Prisons are a microcosm of your society. You know what, I haven't been called a bad name by an inmate since I've been here, and they all say "Yes, Sir" and "No, Sir." They reflect the gentleness of Virginia, when in California they're just a bunch of thugs. Like you were downtown-- I'm not kidding you.

Morris: That's fascinating.

Procunier: I'll tell you one thing. I can tell that you know what kind of questions to ask, that you're sensitive and know what's going on. What kind of professor are you?

Morris: I'm a generalist. I started out as an economics student.

Procunier: Okay. If I spent two days in the prisons of Virginia with you and then took you to California and spent two days, you'd think you were in a foreign country. And I don't come to a place like this and try to run it like California, either.

Morris: Yes, that's a very sensitive matter right there.

Procunier: See, most people fail when they go like I do to different states, because they try to bring their system. I haven't got a system. They've got a system here, and I know a good one when I see one, and a culture that's dealing with it.

Morris: It's important to just go in and feel what goes on in that stage?

Procunier: Right. I talk to everybody in the department. I go to every prisoner. I talk to every staff member. I don't pass a correctional officer up. And I come out with some feeling, in about a month, of what I'm dealing with. I was the director of corrections in Utah, and I loved those Mormons, man. They loved me, too. I could go back there in a minute. And the reason for it is-- Virginia is the Baptist belt of the world. They're gentle folks. . . .

There's a turf, and they respect each other's turf. They don't invade it, and you don't invade a southerner's privacy, and a whole lot of things. This is a tremendous culture. . . .

Ronald Reagan and Edwin Meese in the Governor's Office

Morris: Would you like to wind up with a couple of thoughts about times when you and Reagan talked about what was going on in corrections and the kinds of things that really stuck in your mind about Reagan as governor?

Procunier: First of all, I have to say something that's very, very important here about Reagan as the governor. Without Meese, Reagan would not be the governor he is nor the president.

Morris: Why is that?

Procunier: Meese epitomizes everything that Reagan stands for. See, Reagan believes all this stuff that he puts out. He really truly believes it. And I ain't knocking him. He believes in hard

work, motherhood, and honor, and Ed Meese epitomizes all that for him. So Ed Meese is-- I don't want to imply that he's the power or the brains behind the throne, but he's the guy that gives Reagan the faith to go on. In a very esoteric way, really. Ed Meese would not even understand what I'm talking about. Because he doesn't know how pure he is himself. He is so pure that I can't believe anybody is. I don't mean naive. He's tough and rough. I don't mean he's easy or anything.

Morris: Sort of the ideal American?

Procunier: Look at his background. He doesn't even know some things that go on in the world. I don't mean that he's naive. I'm not trying to belittle him. I'm trying to say why they're so good.

Morris: Do you think Reagan sees things in Meese he doesn't see in himself?

Procunier: No, I don't think Reagan even understands what's going on. That's not putting him down, either.

Morris: No. It's very possible when one is living it.

Procunier: Meese epitomizes everything that Reagan believes in his heart can be true for America. Meese is so clean that that's why it makes the country a safe place to be now, in terms of cleanliness.

Now, I don't say Ed puts words in his mouth. He's his own man and stuff. But Meese spends all of his time making certain that he does not usurp anything that is the President's territory. When I think he probably could if he wanted to.

Morris: Sort of an extension of Reagan?

Procunier: Does he see himself as?

Morris: Yes.

Procunier: No. I think the reverse of this is true for different reasons. I think Reagan is the super father figure or the super goodness that he's wanted to work toward or for for all of his life.

Morris: That's an interesting analogy, because it is striking that there are as many people around Reagan-- They're still in their mid-forties, and they were very young in '67-'68.

Procunier: Reagan's a real young guy.

Morris: In spirit?

Procunier: Yes. I was at a reception at the White House about two or three weeks ago. I wanted to say good-bye to him before I left, because when Flo leaves there, I'm not going to be around there. I noticed that Reagan appears a little older to me than he did before.

Morris: You mean just in this last year?

Procunier: See that picture over there?

Morris: Yes. He looks about fifty there.

Procunier: That's when he appointed me.

I don't see any signs of any senility or any of that now. But I see some awkwardness in his movement. I notice as I'm getting a little older-- I used to be a fast little guy and move around real fast. Every once in a while there's a jerk there that I didn't anticipate.

Morris: [laughs] Yes, I know the feeling.

Procunier: You know what I mean or not?

Morris: I do know what you mean.

Procunier: If I jump up right now, my head still would get over there, and my knee may not go that fast or something. I just like to observe life, what's going on.

Morris: Yes, so do I. It's fascinating.

Procunier: You know what amazes me, is that there's so much happening, and most people don't see it. It just amazes the hell out of me.

Now, the other thing I remember is that there was a California Correctional Officers Association, which is an extreme rightwing bunch of guys that mostly was a leadership of incompetence. Their incompetency is only outweighed by the speed of their mouths about safety, law and order, and all. And Richardson uses those dummies; he drummed on some problem in some speech. I don't know what it was. They got to Reagan. So Reagan had me come over. There was a senator from down around San Luis Obispo. I forget his name. Hell of a nice guy. But he was trapped into going in there and complaining about what I was doing. It was really comical. Reagan's there listening to him. Complaining about me, and I'm there. And when they left--

Morris: Reagan called you in when this guy came to complain?

Procunier: Yes, he wanted me there. I was glad to be there.

Morris: That's good staff work by Reagan.

Procunier: Oh yes. I don't remember if Ed was there or not. I got a sneaking hunch he was. I've never been around Reagan when he wasn't there, which is real positive, I think. Especially in the law and order business. Because Ed epitomizes that to him. Although I don't remember specifically. I can't say for sure.

And when they got all done, Reagan said--Reagan looked at me, and I looked at him, and it was all over. He understood what they were saying. I understood what they were saying. He knew there was nothing I could do. I knew there was nothing that he wanted me to do. So we just left it.

Morris: You just let the guy blow off steam?

Procunier: Yes, they let him take off and I talked to the Governor a minute or so afterwards, and we left.

Another time he gave a talk at the prayer breakfast. I was telling somebody the other day, when that basketball player from North Carolina was talking to him on live TV. Did you see that?

Morris: Yes.

Procunier: And he said, "I want to be an actor, will you have me--?" You know what, Reagan's going to have him to the White House within the next six months. I'll bet you fifty bucks. That's the kind of guy he is. And he knows that it's going to do a lot for him. Like he goes down and visits somebody in Tennessee and goes over to their house because he heard they gave fifteen cents for somebody, a flood victim or something. That's not false with the man.

So he was giving a talk at the prayer breakfast, and he cried a little bit. Everybody kind of abandons men when they cry. I went up to him, I said, "Hey, that's a hell of a deal, man. I'm really glad to see you cry." He really appreciated that.

Morris: You're suggesting that Reagan shares the same kind of interest you have in what's going on in the world and the way people are?

Procunier: Yes, I kind of identify with him a little bit. Not in terms of our-- I've never been close to him, you know. And I don't want to be. . . .

But I think the guy is really sincere. I think he wants a better world.

Morris: It's curious that that should be out of style.

Procunier: It's coming back in style again, and I think that's a credit to his--well, his acting ability. See, and I'm an actor. I know that.

Morris: I see. You missed your calling?

Procunier: No, I'm glad I'm not an actor, that I don't get paid for it. You know, you've got to be an actor to do what I do. I'm talking about a real actor, too, man. I'm good at that.

Morris: In terms of dealing with all the different kinds of people you have to deal with?

Procunier: Sure. People identify with me real quick. That's what you do when you act; you're really living some part of that person, kind of.

Morris: Thank you. I enjoyed this.

The Essence and Power of Corrections: Balance of Good and Evil

Procunier: I don't know if you got anything about corrections or not.

When I go out to talk to a group, I never talk about what they think I'm going to about corrections, because that's not the essence of what we're into. Prisons and arrests and all that, that's not corrections and the criminal justice system. That's just the end product of the issue, as far as I'm concerned.

I don't look for solutions, because I don't think there are [any]. You know, everybody is struggling: what are you going to do about crime?

Morris: There's going to continue to be crime?

Procunier: It's a part of the process; evil and good stay in some kind of balance. I don't believe in the devil and God and all that other. I'm not talking about that. And another thing, the only way we appreciate the day is that we have night. It got so bad in southern California that I was bored with the weather. [laughter] It wasn't human. Christmas day we were always in our shirtsleeves! It was seventy, seventy-five degrees in southern California.

Morris: You barbequed the turkey.

Procunier: Everybody wondered how I was going to make it in Virginia. I enjoy this weather. People back here bitch about it, "isn't it terrible" and stuff. I just love the contrast. I really do. I like turmoil and problems, because I think that's real life.

Morris: Vitality.

Procunier: I don't think anybody ever has to set out to change, or set out to be creative, or set out to be good, or any of that. I think you just let whatever is-- I really believe that man is basically good. I don't think that man is basically evil.

Morris: Is that true of most of the people in corrections?

Procunier: The people that work there?

Morris: Yes.

Procunier: I'd say they probably are a good cross-section of the society. But the reason it appears that it may not be so is because the chance to be evil is much greater, because the authority that we have is incredible. We can give a guy five years by looking at him wrong or writing the wrong note in his file.

That's another thing I'm very conscious of, the almost immoral power that we have over other people, in corrections.

Morris: In terms of determining when they get out and how they--?

Procunier: No, in determining their whole life, from day to day, and when they get out, and how they do while they're there, whether they live or die. Because where we assign them decides that. And I'll tell you, the only way you can deal with power is to know you've got it. The guy that plays, "I ain't nothing," and he is powerful, oh, hell, that's the guy that you got to worry about.

Morris: I have been struck by what look like similarities between state prisons and state mental hospitals.

Procunier: Oh God. I ran the hospital system in California as the chief deputy director of the health department. Under [Edmund G., Jr.] Brown. And fired all the superintendents of the hospitals.

Mental hospital workers and corrections workers and stuff are exactly in the same boat. You've got incredible power over other human beings. Some people, I'm sure, seek it out because of that. And historically, there's been a tremendous amount of physical and psychological brutality wrought on these people [prisoners and patients]. That's the one thing that everybody knows, man, that I am an absolute nut when it comes to brutality. Either physical or psychological. Just cleaning that up cleans up the whole process.

Morris: Is this something that you got at in California through the training process?

Procunier: I was raised under Scudder. That guy and Oberhauser gave you some ideals that you just couldn't forget. In terms of relating to people. And they demonstrated them by the way they behaved. See, that's all I care about. This is what I see, I think, in Reagan and in Meese, is that they don't only talk about this, but they live it. That's something you can come to grips with. I don't even mind Richardson. He and I are pretty good friends. But he claims he's a horse's ass, and he is. [laughter]

Morris: Thank you. Sometime when you're in California, I'd be delighted to talk some more about these things. We didn't even touch on the Adult Authority when you were there.

[End of Interview]

Transcriber and Final Typist: Sam Middlebrooks

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APPENDICES



Memorandum

MEMBERS, TASK FORCE ON CRIMINAL
JUSTICE LEGISLATION

Date : February 10, 1969

File No.:

Subject: Meeting -- Sutter Club -
Tuesday, January 14, 1969 --
7:30 a.m.

From : Office of the Secretary

Present at the January 14th meeting were Ed Meese, Senator Deukmejian, Glenn Craig, representing Commissioner Sullivan of the California Highway Patrol, Ray Procunier, Win Adams, Spencer Williams, Jeff Warner, CPOA, Robert Walters, Herb Ellingwood, Joe Spangler, representing Henry Kerr, Allen Breed and Carl Anderson.

Primary interest focused on the presentation by Ed Meese of the tentative Governor's Legislative Package relative to law enforcement and criminal justice. Included in the package are legislative proposals relating to:

Campus Disorders: To make it unlawful to bring any loudspeaker or other sound amplification equipment on the campus of a college or high school without written permission of the chief campus officer or his designated representative.

A second proposal provides that any person suspended or expelled from an educational institution who, while expelled or suspended, comes on the premises of any educational institution without written permission of the chief campus officer or his designated representative is guilty of trespass, a misdemeanor.

Pornography: Two measures have been proposed. The first provides that for purposes of the law on obscene material, evidence may be introduced concerning the circumstances of presentation, sale, dissemination, etc. when such evidence indicates the material is being commercially exploited for the sake of prurient appeal. Such evidence may be considered with respect to the nature of the material and may justify the conclusion that the material is utterly without redeeming social importance.

The second measure defines "harmful material" and prohibits any person from selling, distributing or loaning such matter to a person under-eighteen. Makes violation a misdemeanor.

Electronic Surveillance: To implement federal legislation in this area legislation will be proposed to permit law enforcement officers, in the investigation of serious crimes, to utilize technical methods of electronic surveillance when authorized, pursuant to a warrant issued by a Judge.

Members, Task Force on
Criminal Justice Legislation

February 10, 1969, Page 2
Re. Meeting, 1/14/69

Gun Control: This subject was discussed during the December meeting. Consensus is there are provisions for control in the present statutes but the supportive clauses necessary to strict enforcement are lacking. A proposal to clearly provide stronger punishment for the use of firearms by criminals will be introduced.

Confidentiality of Informants: This proposal would extend to all crimes the admission of evidence concerning information communicated to a peace officer by an informant not a material witness to the guilt or innocence of the accused in relation to the offense charged. It would provide for protection of the identity of the informant when such evidence is for the purpose of showing reasonable cause for making an arrest or search.

Preemption: Rules of construction of State statutes would be defined to specify the circumstances under which State law should be considered to prevail over, or preempt local ordinances.

Additional proposals related to law enforcement and the field of criminal justice are contained in the Governor's Legislative package. Also in the package is the California Merit Plan for Judicial Selection through Constitutional Amendment.

In the area of traffic safety bills will be introduced to:

1. Establish presumptive limits relative to blood alcohol count, using AB 147 (Biddle) as amended April 15, 1968 as a model.
2. Establish alcohol, blood, urine testing standards and lab certification similar to that set forth in last Session's AB 1658 -- Stull, as amended July 23.
3. Expand peace officer authority to arrest to include persons reasonably believed to have been "under the influence" at the time of a traffic accident, even though the misdemeanor was not committed in the officer's presence. This would be based on SB 971 carried by Senator Sherman last year.

Captain Glenn Craig, of the California Highway Patrol will provide specifics on this last proposal to the Governor's Office.

Ray Procunier cautioned that consideration should be given to what happens "downstream" in relation to prison population -- the Department of Corrections must plan for the housing of



Members, Task Force on
Criminal Justice Legislation

February 10, 1969, Page 3
Re. Meeting, 1/14/69

persons convicted under the proposed statutes. Additionally, discussions should be had with the paroling authorities to make it clear what penalties are, particularly in relation to increased penalty for violation of the gun control law.

In the area of narcotics Ray Procunier suggested that a bill to extend the 72 hour release provisions of AB 263, Dent, (1968 R/S) to civilly committed narcotic addicts should be introduced. This would authorize the Department of Corrections to give a 72 hour leave to selected inmates in the narcotic program so they can meet a prospective employer, adjust to the community, etc.

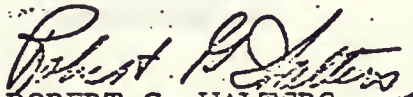
Some thought is being given to submission of proposed legislation to improve riot control to try to reach those people who travel from place-to-place, specifically to participate in such disturbances. In this same area, Ray Procunier has legislation drafted relative to inciting inmates to riot at institutions.

It was suggested the Governor should ask for legislation, specifying in detail, but not naming an author. However, when such a bill is introduced it should have good press coverage. Coordination of legislative releases is important and careful thought should be given to the problems involved.

An effort will be made again this Session for passage of legislation to hold CYA wards in institutions of the Department of Corrections responsible for possession of a weapon and assault. This is needed to clarify a question of law arising from the Romo decision which held that a person committed to the Youth Authority and placed in an institution of the Department of Corrections is not subject to prosecution under the Penal Code Sections which prohibit such acts by prison inmates.

Legislation is also being contemplated relative to automobile identification numbers.

The next meeting of the Task Force is scheduled for February 14, at 7:30 A.M. at the Sutter Club.


ROBERT G. WALTERS
Executive Officer
Board of Corrections

CALIFORNIA COUNCIL ON CRIMINAL JUSTICE

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Attorney General of California

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C. Robert Guthrie
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County Supervisors Association

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Executive Officer
Commission on Peace Officers
Standards and Training

Cecil Poole
Attorney at Law

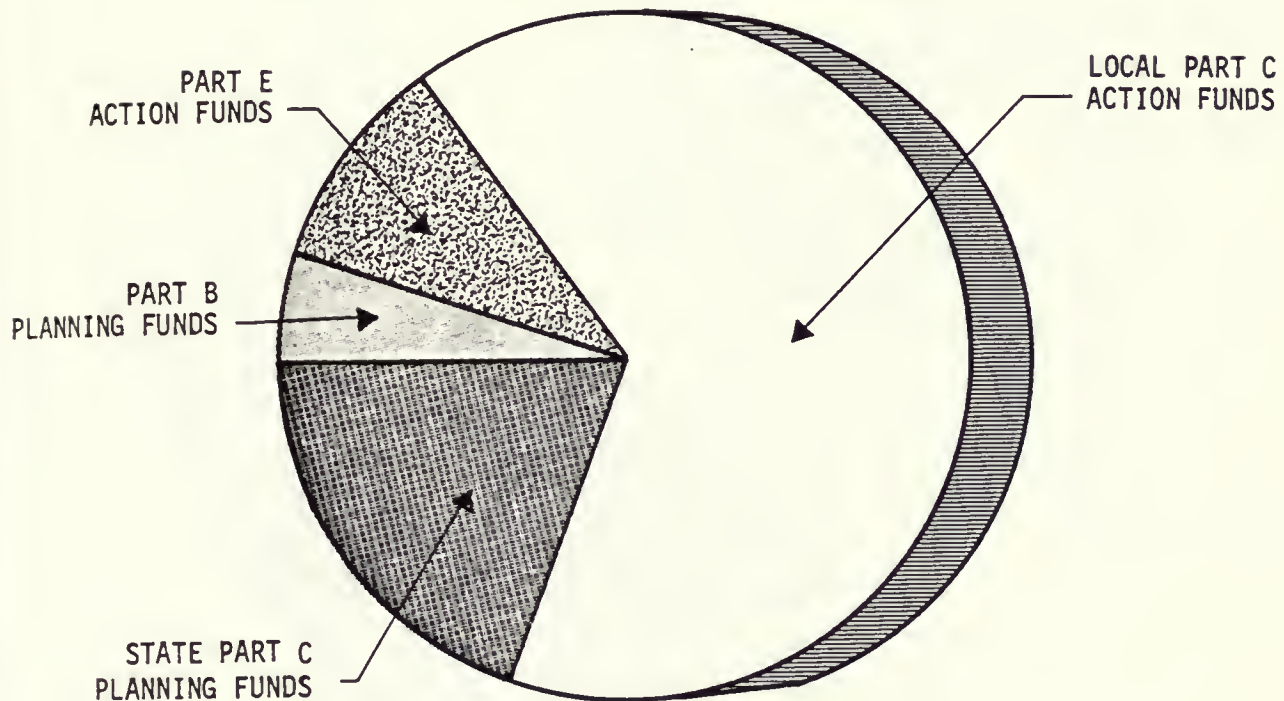
Raymond K. Procnier
Director
Department of Corrections

Alan Sieroty
California State Assemblyman

Raymond C. Simon
Councilman
City of Modesto

Harold W. Sullivan
Commissioner
California Highway Patrol

Charles Warren
California State Assemblyman

ALLOCATION OF CALIFORNIA'S 1972 OMNIBUS CRIME CONTROL FUNDS

PART B: \$ 2,957,000

PART C: 40,060,000

(LOCAL: 30,045,000

STATE: 10,015,000)

PART E: 4,721,000

TOTAL \$ 47,738,000

ALLOCATION OF 1972 PART C FUNDS

Regional Target Allocations \$23,645,000

Region A (Del Norte, Humboldt, Lake, Mendocino)	\$ 217,845
Region B (Lassen, Modoc, Shasta, Siskiyou, Tehama, Trinity)	152,606
Region C (Butte, Colusa, Glenn, Plumas)	134,237
Region D (El Dorado, Nevada, Placer, Sacramento, Sierra, Sutter, Yolo, Yuba)	1,006,812
Region E (Marin, Napa, Solano, Sonoma)	637,747
Region F (San Francisco)	1,038,372
Region G (Contra Costa)	675,900
Region H (San Mateo)	489,144
Region I (Alameda)	1,574,847
Region J (Santa Clara)	1,097,938
Region K (Mariposa, Merced, San Joaquin, Stanislaus)	695,938
Region L (Alpine, Amador, Calaveras, Tuolumne)	75,249
Region M (Monterey, San Benito, Santa Cruz)	489,616
Region N (Fresno, Kern, Kings, Madera, Tulare)	1,438,390
Region O (Inyo, Mono)	75,249
Region P (San Luis Obispo, Santa Barbara)	347,373
Region Q (Ventura)	389,527
Region R (Los Angeles)	8,741,000
Region S (Imperial, Riverside, San Bernardino)	1,525,343
Region T (Orange)	1,459,437
Region U (San Diego)	1,382,430

Council Designated Programs \$ 6,400,000

Evaluation	\$ 600,000
Crime Specific	2,500,000
Planning Augmentation	700,000
Criminal Justice System Development	2,600,000

TOTAL LOCAL AGENCY FUNDING \$30,045,000

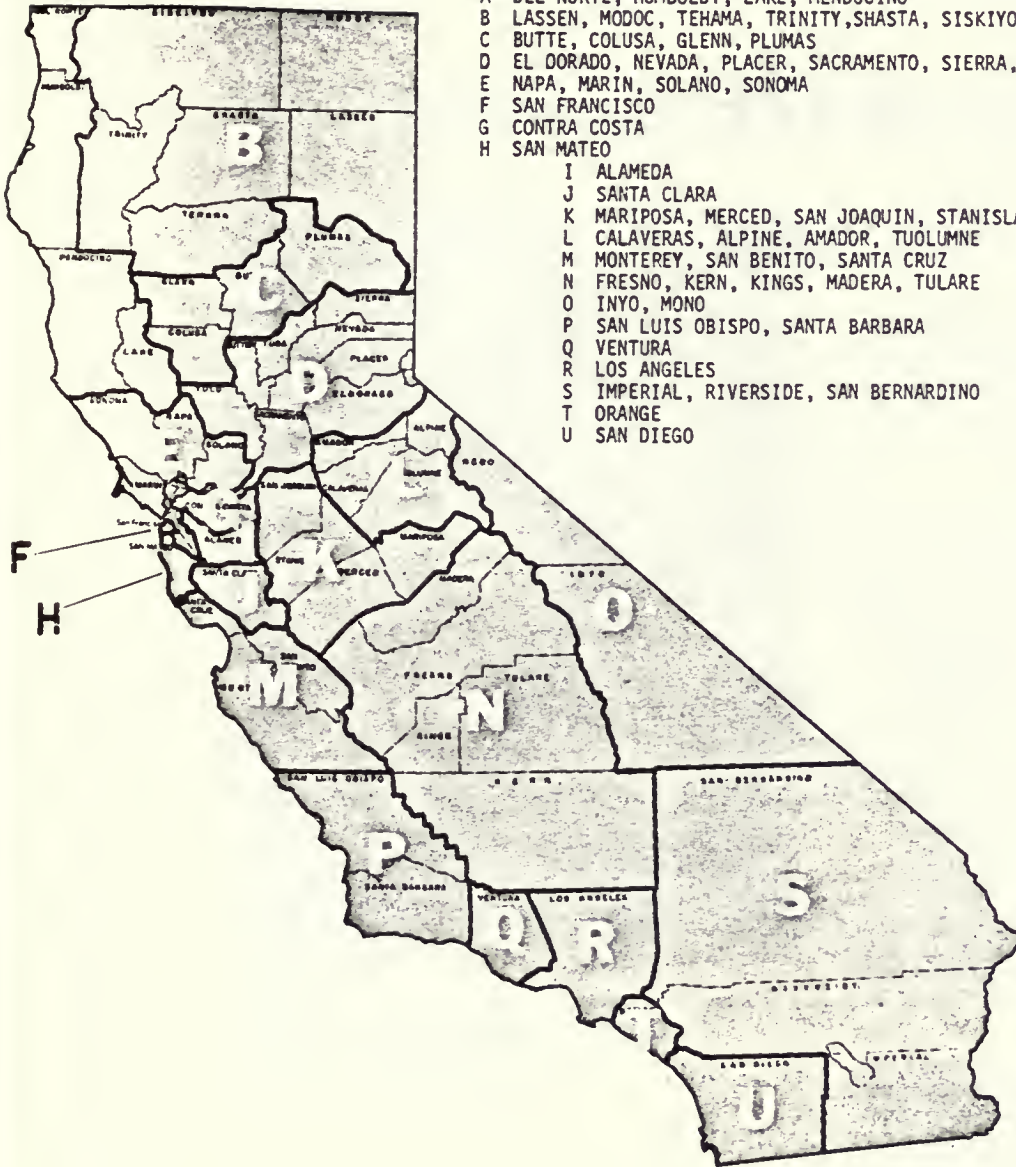
State Agency Funding \$ 10,015,000

TOTAL PART C FUNDS \$40,060,000

California Council On Criminal Justice

CRIMINAL JUSTICE
PLANNING REGIONS

- A DEL NORTE, HUMBOLDT, LAKE, MENDOCINO
 B LASSEN, MODOC, TEHAMA, TRINITY, SHASTA, SISKIYOU
 C BUTTE, COLUSA, GLENN, PLUMAS
 D EL DORADO, NEVADA, PLACER, SACRAMENTO, SIERRA, SUTTER, YOLO, YUBA
 E NAPA, MARIN, SOLANO, SONOMA
 F SAN FRANCISCO
 G CONTRA COSTA
 H SAN MATEO
 I ALAMEDA
 J SANTA CLARA
 K MARIPOSA, MERCED, SAN JOAQUIN, STANISLAUS
 L CALAVERAS, ALPINE, AMADOR, TUOLUMNE
 M MONTEREY, SAN BENITO, SANTA CRUZ
 N FRESNO, KERN, KINGS, MADERA, TULARE
 O INYO, MONO
 P SAN LUIS OBISPO, SANTA BARBARA
 Q VENTURA
 R LOS ANGELES
 S IMPERIAL, RIVERSIDE, SAN BERNARDINO
 T ORANGE
 U SAN DIEGO



APPENDIX C

Parole Board Will Try a New Tack

By Jim Brewer
Chronicle Correspondent

Sacramento

The new head of the California Adult Authority pledged yesterday to "lead a campaign" to abolish the authority in a year if "I can't bring it around by then."

"The system is not working now and I'm here to make it work," said Raymond Procunier, who took over the men's parole board last week after seven years as the state's prison chief.

For a start, more than half of the 25,000 prisoners in California will receive tentative parole dates the first time they come before the parole board, he said.

It was Procunier's first interview since Governor Edmund G. Brown Jr. appointed him last week to the job he so often criticized while heading the Department of Corrections.

A campaign is already under-way in the Legislature to abolish California's indeterminate sentence law for most crimes and to wipe out the Adult Authority, both of which are blamed for prison violence by some reform groups.

But Procunier, a tough-talking chain smoker who started as a prison guard 19 years ago, wants to prove the parole system can work — even if it means abolishing the indeterminate sentence as it has been administered since 1944.



EX-PRISON BOSS RAYMOND PROCUNIER
"The system is not working now"

San Francisco Chronicle
February 12, 1975

"Everybody wants to make another permanent, stupid mistake," Procunier said. "In one year we can build a system that can be written into law — one that will make sense."

Procunier will bring to the Adult Authority a philosophy that prisons are for punishment, not for rehabilitation. He said the parole board will no longer require a convict to prove he has rehabilitated himself.

"A guy can do his time and get out even if he just sits in his cell; I don't care as long as he doesn't screw up while he's in prison," he said.

"But it's cruel and unusual punishment for a man not to know how much time he's going to do."

By the end of the month, Procunier said, the Adult Authority Board will have hammered out a tentative minimum and maximum sentence for every crime. The sentences will be firmed up during the year after careful evaluation, he said.

Beginning March 1, the majority of men serving sentences of five years to life—the most common sentence under California

law—will learn their tentative parole date and their maximum sentence "the first time we see them," he said.

Procunier said the new policy will apply to at least 60 per cent of the men now in prison.

Convicts routinely have a parole hearing once a year, but have had no assurance they will receive a parole date. The length of their term has traditionally not been set until a parole date was granted. Critics have called this system "serving time on the installment plan."

"We're just going to tell the men to do clean time and tell them how much time to expect," Procunier said. "If a man screws up, his parole date will be moved back, but not his maximum sentence."

Procunier also said it will be possible for a convict to earn a parole date sooner

than the original date that will be set the first time he meets the parole board.

He outlined two other changes that could have a strong impact on the judicial system.

"If a man has 15 counts of burglary charged against him and pleads guilty to one, then he's going to do time on that one burglary, not on the other 14 and his past record," he said.

A common complaint against the Adult Authority has been that prisoners are frequently denied parole for reasons other than those stated by the authority, although a convict's abrasive personality or his mental imbalance are not legal grounds to hold him in prison.

"We're going to give a guy the real reason why he's not being released and let him seek relief in the courts if he disagrees," Procunier pledged.

Health Boss Lackner Names Procunier Operating Head

By JOHN BERTHELSEN
Bee Staff Writer

A major shakeup that in effect puts former state prisons chief Ray K. Procunier in charge of the California Department of Health has been announced by State Health Director Jerome Lackner.

Dr. Lackner made the announcement yesterday before a hurriedly called meeting of more than 300 members of the health department staff, and then turned the meeting over to Gov. Brown, who in turn announced his total support of the embattled health director. Lackner has been under fire from legislative committees, the state's Little Hoover Commission and various federal agencies.

"You have a real human being, a person of real sensitivity. He is not a technocrat," Brown said of Lackner. "He is a person with values, philosophy and a sense of people. That is why I am here today, to tell you that I respect him. I want you to work with him."

Most of the criticism of Lackner has centered around his self-admitted lack of ability as an administrator. The appointment of Procunier, who will supervise all of the department's

operational divisions, is expected to provide the kind of tough administrative leadership the department has lacked, most sources feel.

Along with the appointment of Procunier, it was announced that all planning in the department would be centralized under deputy Julien Phillips and that all budget and fiscal matters would be handled by chief deputy Albert C. Brown. Both men have fulfilled largely those duties in the past.

In addition, Lackner announced that Ben M. Sifuentes, who has served as a chief deputy since May 1975, would be appointed Lackner's assistant deputy. That is viewed unanimously by sources both within and outside the department as a kick upstairs for Sifuentes, who had nominal responsibility for the state's scandal-ridden prepaid health plan program.

"They have given Procunier the show and they are keeping Lackner as the figurehead," said one highly placed source in the department. "Sifuentes is Lackner's gofer." In slang parlance, a "gofer" is an individual who runs errands.

Sifuentes came under critical fire from the Assembly permanent subcommittee on health investigations in



JEROME LACKNER
... praised by Brown



RAY K. PROCUNIER
... a new job

July for his handling of the investigation of Omni-Rx Health Care, Inc., a troubled Los Angeles area prepaid health plan whose 10,500 clients made it the third largest such plan in the state.

Dr. Lackner, however, denied that Sifuentes had been kicked upstairs. In a hallway interview following the meeting in the health department's

auditorium, he characterized the move as a promotion for Sifuentes.

Another source described the reorganization as "long overdue" and described Procunier as a "good administrator. He's a little hard-assed but that is what this outfit needs."

Procunier, a tough-talking civil servant who joined state service in

1948 as a corrections officer, is known for inspiring either fierce loyalty or strong dislike among those who worked for him.

He was brought into the department of health in June after he withdrew his name in the face of State Senate opposition to his appointment by Gov. Brown as chairman of the State Adult Authority. He had served the Reagan administration for eight years as director of the State Department of Corrections.

Since June, he had been supervising special projects within the department of health, and it had been rumored for more than a month that he would take effective control of the department.

His appointment, at a salary of \$35,000 a year, did not meet the approval of Dr. Paul O'Rourke, consultant to the Senate Office of Research and a persistent critic of the Brown administration's handling of health programs.

"I think that in spite of the character of Ray Procunier and his obvious ability as an administrator, his assumption of program responsibility in the department of health, considering his background and training, seems to be clearly indicative of one of the problems of that department," O'Rourke said.

"It has a record of placement of capable but unqualified persons in high positions who do not have a semblance of qualifications in terms of background or experience who operate the complex programs lodged in the department."

O'Rourke said he is not criticizing Procunier personally, but added he is "surprised that someone with Procunier's background would take the job."

Sources inside the department who did not want their names mentioned, however, said that there is an adequate supply of experienced personnel in health matters — including Lackner himself — in the department, but that there is very little administrative capability.

Brown himself seemed to echo those feelings. He described Procunier as "tough. He makes decisions fast. Sometimes he's hard to deal with, but he knows how to get things done."

Procunier gave himself 60 days to make things happen in the department, saying to reporters after the meeting that it would take that long to straighten out the structure of the health agency.

Democratic Assemblyman Barry Keene of Eureka, the chairman of the permanent investigating subcommittee which criticized the department's handling of the prepaid health plan system, made a cautious statement following the announcement. He said:

"It seems to me that the governor is opting for what he regards as a more appropriate allocation of responsibilities with skills. Dr. Lackner knows the health field and 'Pro' knows government. He is a strong and talented administrator."

Announcement of the shakeup came just one day before Keene was to begin two days of hearings on the department of health's handling of investigations into prepaid health plan scandals.

THE GREAT PRISON DEBATE:

On the left:

***Give inmates more
rights and let them
out much sooner***

On the right:

***Protect the public
by keeping more felons
behind bars much longer***

Man in the middle



**Ray Procunier,
director of corrections**

By ED SALZMAN

Only a decade ago, California's prison system was generally viewed as a progressive model for the nation and perhaps for the world. The governor at the time, Pat Brown, used to express pride at the way the state was rehabilitating its criminal element, citing a declining rate in returning convicts. The cornerstone of the system was the "indeterminate sentence". Under it, judges would send offenders to prison without release dates, and it would be up to probation authorities to decide when an inmate had shown, in the artificial environment of a "joint", that he or she was ready for the "free" world.

California still has the indeterminate sentence, but it is no longer considered progressive, or even desirable. It is under attack from all sides. A growing body of thought holds that it is impossible to tell when a prisoner has become ready for a return to society. There are numer-

ous cries for "prison reform" but little agreement on what "reform" should do or even how to approach it. Meanwhile, the state Department of Corrections is attempting to keep prisons cool while steering a steady course between the zealots. California is returning to the penology philosophy of the ancients — make the punishment fit the crime and forget about trying to alter the character defects in the offenders that led to the commission of the felonies.

Basic Issues

What do Californians mean when they talk about prison reform? What they *don't* mean is that the prisons themselves are shabby, that better food, clothing and medical care should be given to inmates, or that the state should provide more educational and vocational services for the prisoners. These subjects come up from

time to time, but they are not central to the current controversy. These are the basic issues:

- What should be considered a crime?
- When should a felon be sent to prison?
- Should he be given a release date on commitment or an indeterminate sentence?
- When should he be released?
- What supervision should he be given following release?

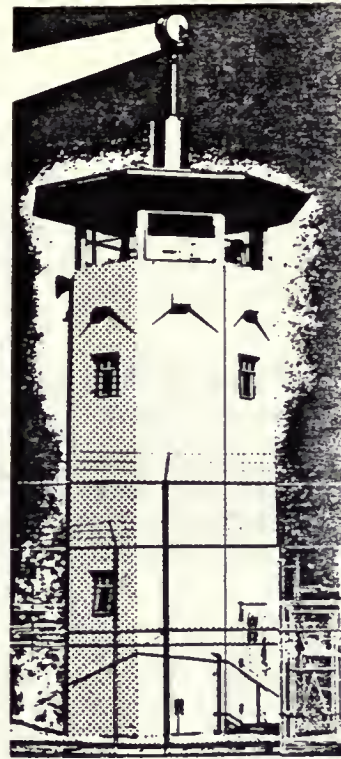
In other words, it is not the prison system that is under fire but rather the state's philosophy of doling out punishment and rehabilitating offenders.

What should be a crime? Most of these discussions center around the so-called victimless crimes, which do not usually result in the sentencing of individuals to prison. These include prostitution, bookmaking, gambling, sex relations between consenting adults, and use of narcotics. As far as the prison system is concerned, there is a related problem — how to handle prisoners convicted of relatively minor offenses but who, because of plea-bargaining or other reasons, were not tried for more serious crimes they may have committed. The Adult Authority is supposed to consider only the conviction, but the members must be aware of the circumstances surrounding the arrest.

When should a felon be sent to prison? At present, most inmates have perpetrated violent crimes or serious drug offenses. A decade ago, about half the prisoners had been convicted of crimes against property, and they provided a leavening effect in the institutions. Today, however, these less dangerous felons are given probation or terms in local jails. As a result, both county and state institutions now hold a far tougher clientele. Ten years ago, some judges thought they were doing offenders a favor by sending them to a state prison because local facilities were so bad and rehabilitative facilities so few. That is no longer the case, and the state operates a "probation subsidy" program that rewards counties with bonus money for keeping prisoners that otherwise would have been sent to state institutions. The decision of when a prisoner should be sent to prison is left up to the judge, and this has raised a major question: How do citizens get equal protection under the law, as guaranteed by the United States Constitution, when some judges are more lenient than others? This is one argument in support of the indeterminate sentence — that the Adult Authority can even out these differences by applying one standard to all.

Judges now have one basic decision to make — whether or not the offender should go prison. But even this decision would be taken out of the judge's hands under an initiative being pushed by Attorney General Evelle Younger and Governor Ronald Reagan. This measure would require prison sentences, regardless of the circumstances, for persons convicted of using guns in the commission of crimes, for narcotics peddlers and for professional burglars. At the other extreme are those who feel that the state prison system is a failure and should be abolished.

Should a felon be given a release date on commitment or an indeterminate sentence? This is probably the most discussed aspect of prison reform. Under pressure from left and right, the Adult Authority indicated about a year ago that it would henceforth set specific terms within a rela-



tively short time after an inmate's arrival. This would let the prisoner know exactly where he stands, with time to be added or subtracted for behavior only — not for progress toward rehabilitation. But this effort has now been abandoned, and prisoners are not given release dates until the Adult Authority considers them ready for release in the near future. State Senator H.L. Richardson is a leading spokesman for the view that the indeterminate sentence results in putting violence-prone offenders back on the streets too soon. Prisoner organizations and others maintain just the opposite — that the sentence keeps inmates incarcerated far too long. Thus, the issue is not so much the system of sentencing but how long each inmate is to remain in prison.

When should a prisoner be released? To answer this question, someone must determine when an individual — presumably with a violent background — can be released at minimal risk to society. But this is not the sole consideration. There are also those prisoners who are exceptionally good risks — such as the one-time murderer who killed a family member in a moment of passion — who are kept behind walls because society demands that murder be punished. Everyone involved in the corrections process agrees that it is impossible to determine with certainty when an individual is rehabilitated to the point where he can be released with absolute safety. There is always some measure of risk involved. The prison system comes under strongest attack when a highly publicized crime is committed by a prisoner on work-furlough, or by a resident of a "half-way house", a parolee or "graduate" of the prison system. It is then that critics like Richardson renew their demands for far less risk-taking on the part of the corrections and parole authorities. At the same time, there are those who contend that many other prisoners now could and should be released because they are minimal risks. In the past couple of years, however, it has come to be more difficult for an inmate to win release from the Adult Authority.

What level of supervision should be given after release? Though not an issue to compare with the foregoing in magnitude the parole system is considered by some critics to be a waste of effort because the rather loose supervision

that the state can afford does not deter crime. But the parole system is ingrained, and there apparently is little chance that it will be abolished or even substantially changed within the next few years.

Running the system

The burden of running the state's penology system during this era of unrest falls upon two men, Raymond C. Brown, 50, chairman of the Adult Authority (male parole board), and Raymond Procnier, also 50, director of the state Department of Corrections. Procnier has the task of handling the state's most-hardened criminals, and Brown and his eight colleagues have the task of deciding when a man should be given his freedom.



Raymond
Brown

Brown, a retired Oakland deputy police chief, is a political conservative who served on Reagan's crime task force before being appointed to his current job in May 1973. He is a staunch defender of the indeterminate sentence. "There are good and bad things about it," he explained, "but it's the most logical way to do it. The statistics show that there is not much difference in the actual time served under fixed sentences and with indeterminate sentences." He rejects the contention that it is not right to leave a man in prison without telling him when he can get out if he behaves himself. "The inmates are the best statisticians in the system," he maintains. "They can figure out closer than anyone else how long they are going to serve." If the state switched to fixed sentences, he emphasized, then the argument would be that the sentences were too long. Efforts are being made in the Legislature to require that each inmate be given a release date within six months of incarceration, with time subtracted for good behavior and added for bad. Brown maintains that the state tried something akin to this a few years back under the theory that it would relieve tension and reduce violence. As it happened, he said, the policy change was followed by one of the worst outbreaks of violence in state prison history (although Brown concedes that there is not necessarily a connection between the two).

The theory behind the indeterminate sentence holds that the personnel in the Department of Corrections can observe an inmate for a reasonable time to assess his likely future conduct before he is actually sentenced by the Adult Authority. If the sentence must be set within six months, Brown argued, the judges might as well do the job immediately after trial because the Adult Authority will not gather much more information within

the next six months that the judge didn't obtain from the local probation office.

But there are alternatives. Timothy Fitzharris, general manager of the California Probation, Parole and Correctional Association, is talking about a system in which the judge gives each felon a sentence that is then automatically appealed to a statewide board with the power to reduce — but not increase — the length of confinement. One basic argument for maintaining the Adult Authority is that it evens out differences in severity between the hundreds of judges in the state; by establishing the automatic-review system (similar to the one used by the military), this objection would be eliminated and the Adult Authority could be abolished, according to Fitzharris.

Brown concedes that there is no scientific way to predict behavior. "We fail pretty regularly," he said, "but so does everybody else." He has established his personal test for each inmate: "When you're willing to have him live next door to you, then it's time to let him out. Don't let him out to live next door to somebody else. The people in the ghetto are just as anxious not be ripped off as the next guy."

Prisoners' rights

During the past year, Brown's attention has been devoted primarily to another prime issue in the controversy over prison reform — the rights of prisoners in hearings before such agencies as the Adult Authority. The courts have handed down so many prisoner-rights decisions in recent months that the parole agencies hardly do anything now the way they did just a year ago. In several cases, Brown and his colleagues were able to see court-ordered reforms coming and modify their policies accordingly.

The Adult Authority beat the courts by one month, for example, in ruling that a prisoner must be given, in writing, the reasons for denial of parole. Other recent cases remain to be implemented, such as granting a prisoner the right to see his file. (Officials are grappling with the mechanics of making this possible.) Felons are now entitled to representation by attorneys in various proceedings, and a public-defender system will have to be established for them.

But the trend toward more "due process" and restoration of such freedoms as uncensored mail within the prison system have not helped free more inmates. The statistics on release of prisoners can be deceiving. The median length of stay in prison of those released in 1971 was 33 months, compared to 28 months in 1972 and 24 months in 1973. But this doesn't mean that the Adult Authority is getting more lenient, as the following additional statistic suggests: The number released in 1971 was 9,000, compared to 7,000 in 1972 and 5,000 last year. In other words, the current policy of the Adult Authority is to be generous with those it feels are good risks by letting them out promptly, while keeping others locked up much longer than before. To put it another way: There are probably 4,000 men in prison today who would have been released by now under the policies in force in 1971. Brown said the public wants a very close look given to the number of parolees involved in violent crimes, and the Adult Authority is responding to this concern.

Even so, there are those, like Richardson, who feel that the system is still too "soft" on criminals. Richardson calls the operation of the Department of Corrections a "soap-opera comedy" and the institution at Chino

California's prison population

California's prison population rose from 19,773 to 22,486 in 1973, a 13.7 percent increase. The following statistics show where the convicts came from, crimes they were convicted of, their previous criminal records, and their ethnic backgrounds:

Geographical distribution

Los Angeles County, 37 percent; nine other Southern California counties, 20 percent; San Francisco, 7 percent; Alameda County, 6 percent; seven other Bay Area counties, 11 percent; ten Sacramento Valley counties, 7 percent; seven San Joaquin Valley counties, 9 percent; 22 remaining counties, 4 percent.

Offenses

Males - robbery, 27 percent; drug offenses, 16 percent; homicide, 15 percent; burglary, 14 percent; assault, 7 percent.

Females - drug offenses, 28 percent; homicide, 18 percent; forgery and bad checks, 17 percent.

Ethnic breakdown

Males - white, 49 percent; black, 32 percent; Mexican descent, 18 percent; other, 2 percent.

Females - white, 57 percent; black, 30 percent; Mexican descent, 11 percent; other, 3 percent.

Age

Median age for males, 30.6 years; females, 30.5 years.

Prior commitments

Males - no prior commitments, 12 percent; prior county jail or juvenile commitments only, 49 percent; prior prison commitments, 39 percent.

Females - no prior commitments, 32 percent; prior county jail or juvenile commitments, 48 percent; prior prison commitments, 21 percent.

Source: Department of Corrections.

"Disneyland East". Yet, he opposes the indeterminate sentence on the ground that it makes it too easy for felons to return to the community. "The more criminals in jail, the less crime there is in the community," he theorizes. He has repeatedly attacked Corrections Director Procnier and has called for his dismissal.

Another target of hard-liners like Richardson has been the Assembly Criminal Justice Committee, which has consistently blocked bills designed to send more California offenders to prison for longer terms. The current initiative, sponsored by the California Peace Officers' Association, is a reaction to the committee's refusal to act affirmatively on get-tough legislation. Assemblyman Mike Antonovich of Glendale gave this argument in support of the initiative:

Too often today criminals are let off through plea-bargaining or placed on probation after only a few months in prison. Approximately 70 percent of all convicted felons were given probationary sentences in 1972. Only 9.6 percent were actually sent to state prison, while the rest (about 20 percent) spent less than one year in county jail. This initiative will provide the tough penalties that are needed to discourage crime and make our communities safe from the criminal element.

This philosophy underlies the decision by Los Angeles County Superior Court Judge Laurence J. Rittenband last May to send a 16-year-old to state prison for killing a waiter during a restaurant robbery. This marked the first time in California history that a 16-year-old had not been sent to the Youth Authority. The youth, Chi Ko Wong, was described as the "hit man" in a Chinese extortion ring by the prosecutor, who urged the prison sentence to protect society from the youth.

Procnier's course

Procnier, a tough-talking career correctional official, claims to steer a middle course in the prison-reform struggle. He opposes the initiative because he believes that judges should retain discretion in sentencing. He agrees with those in the Legislature urging that an inmate should be given a tentative release date within six months after entering the prison system. He publicly takes the blame for prisons failing to control some of the groups, like the Symbionese Liberation Army, which had roots in state institutions.

He views the wave of violence in the prisons as a blessing in disguise because now more Californians are more

aware of the problems of his department. Procnier claims that, until the late 1960s, nobody except the correctional officials paid much attention to the problems. Then two things happened:

- First, middle-class families found their youngsters threatened with jail and prison sentences for using and trafficking in marijuana, LSD and other drugs. At that point, middle-class America became more concerned for the plight of the minority family with a young man in prison for having stolen to help provide for relatives.
- Second, numerous social-protest movements were formed. People started to realize, Procnier recalled, that "the real garbage can of society is the prisons. People coming into prison had been participating in social movements outside. When they came inside, they asked, 'where's that kind of stuff going on inside?'"

Toughest ten

The prison reform movement was born. Inmates started campaigning both for their rights within prison and for their earlier release. The pressure built within the prison system over a period of years. Procnier and his staff seemingly could do nothing right: The prisoners wanted out; the hard-liners wanted more prisoners confined longer; and the others wanted prisoners to be given far better treatment, released sooner, or placed in local facilities.

Ten years ago, about 30 percent of all convicted felons were sent to prison. The prison population of roughly 19,000 was composed about half of property offenders like bum-check writers and about half of violent offenders. Pat Brown's administration concentrated on building conservation camps so that several thousand prisoners could spend their time in low-security outposts. Now, there are hardly any property offenders in the prisons, and only the toughest ten percent of all convicted felons are sent to state institutions. The typical prisoner today is much tougher than he was ten years ago — both at the state and local levels. This is because many of the felons who used to go to state institutions are now disposed of locally. If the courts had continued sending offenders to prison at the rate of ten years ago, the prison population today would be closer to 38,000 instead of the current 23,000.

In earlier days, California prisons were relatively

A guide to the state's prisons

California's prison system is composed of 12 facilities housing about 23,500 men and women. Inmates are incarcerated under five basic types of security system — minimum, light-medium, medium, medium-close, and maximum. The following list gives the name of each institution, its location, the type of security practiced and the number of prisoners each contained on May 1st:

California Conservation Center, Susanville — minimum and light-medium; 818 inmates.

California Correctional Institution, Tehachap/ — minimum and light-medium; 1,173 inmates.

California Institution for Men, Chino — minimum, light-medium and medium; 2,388 inmates.

California Institution for Women, Frontera — minimum; 922 inmates.

California Medical Facility, Vacaville — medium; 1,856 inmates.

California Men's Colony, San Luis Obispo — medium-close, 2,630 inmates.

Correctional Training Facility, Soledad — medium-close and minimum; 3,046 inmates.

Deuel Vocational Institution, Tracy — medium-close; 1,484 inmates.

Folsom Prison, Folsom — maximum and medium-close; 2,076 inmates.

San Quentin Prison, San Quentin — medium-close; 3,387 inmates.

Sierra Conservation Center, Jamestown — minimum and light-medium; 1,985 inmates.

California Rehabilitation Center, Corona — (for civilly committed narcotics addicts) — minimum; 1,816 inmates.

TOTAL prison population, 23,581.

Source: Department of Corrections.

peaceful places. What inmate organizations there were stayed underground. But with the influx of social reformers, the prisoners developed organizations that became major problems for correctional authorities. Between 1970 and 1973, 80 inmates and 11 guards were killed. Procunier was forced to restrict the freedom of almost 200 gang leaders in an effort to prevent spread of the organizational efforts and reduce violence and tension. He wanted to keep the leaders separated and especially away from the relatively peaceful inmates.

These are the major militant groups now active in California prisons:

Mexican Mafia. This is an organization of Chicanos raised in California cities.

Nuestra Familia. This is the rival organization of the Mexican Mafia, composed primarily of rural Chicanos.

Black Guerrillas. This black group recruits inmates from the big-city ghettos.

Aryan Brothers. This racist Nazi organization is composed of white motorcyclists.

The department is under pressure to control organized "reform" activity within prisons because one of them, the since-suspended Black Cultural Association, is believed to have planted the seeds of the terrorist Symbionese Liberation Army at the state medical facility in Vacaville. The SLA publicity has increased demands for tight restrictions on such groups, according to Phil Guthrie, one of Procunier's top aides, who added: "We still intend to take a balanced and unhysterical approach to the problem." The department has special problems with the Church of the New Song, an organization claiming to be religious and demanding steaks and wine as part of its religious ceremonies.

Black Muslims

One group Procunier definitely considers an asset rather than a liability is the Black Muslims. Not many years ago, prison officials viewed the Muslims as a prime

problem and locked up the leaders. Now, the Muslims are treated with dignity; in return, they help prison officials keep the institutions cool. What happened? "We both changed," said Procunier. "They used to talk about the white devils, and we don't go for that so well. We finally began to understand them. And they began to understand us." The fact that the department raised its percentage of minority employees from 7 to 20 helped also with the blacks and Chicanos who constitute more than half the prison population. But the hiring program increased tension among some of the more race-conscious whites.

Procunier considers his biggest problem now to be housing. He has enough beds for the prison population, but not the right mix. Now, he needs more room for the kind of tough prisoner traditionally housed at San Quentin, which he hopes to close. His goal is to build two large, flexible prisons at Vacaville and San Diego for 4,800 inmates at a cost of about \$140 million. This is one of several housing plans the department has proposed in recent years as the dramatic changes have taken place in the prison population.

The Friends Committee on Legislation is urging the Legislature to abandon prisons, not build new ones. The Quaker-sponsored organization claims that the prison system has failed as a means of protecting society against crime.

Procunier doesn't totally agree with that view. He claims that prisons can rehabilitate criminals. The problem is that no one can predict which felon can be rehabilitated and which inmate is the best risk to release. Procunier estimates that 36 of every 100 prisoners could be released without any problem whatsoever, that 25 per-

The men who decide . . .

Should an inmate of a California correctional institution be granted freedom or remain incarcerated? That question must be answered many times each day by the men and women who serve on the state's four parole boards — the Adult Authority, the Youth Authority Board, the Narcotic Addict Evaluation Authority and the Women's Board of Terms and Paroles. In size of caseload, the Adult Authority is by far the most important. Its nine members must decide about 20,000 cases a year. For exercising this authority, the chairman is paid \$29,712 a year, the other members \$28,296 each.

The nine men now serving on the authority are:

Chairman Raymond C. Brown, former Oakland deputy chief of police, appointed 1973, Republican.

Vice Chairman Curtis O. Lynum of San Mateo, former special agent of the FBI, appointed 1967, Republican.

Charles E. Brown, retired Richmond police chief, appointed 1970, Democrat.

Leland M. Edman, Fresno attorney and former deputy district attorney, appointed 1967, Republican.

Walter A. Gordon Jr. of Berkeley, career employee of the state Department of Corrections, appointed 1967, Republican.

James H. Hoover of Placerville, career employee of the state Department of Corrections, appointed 1969, Republican.

Henry W. Kerr of Newport Beach, former chairman, retired executive of the Los Angeles Police Department, appointed 1967, Republican.

Daniel R. Lopez of Sacramento, former deputy director of the state Department of Human Resources Development (employment), former career employee of the state Department of Corrections, appointed 1970, Republican.

Manuel Quevedo Jr., retired officer of the San Bernardino Police Department, appointed 1973, Republican.

cent will get into big trouble again, and that the remaining 39 percent will run into some difficulty.

Prisoners learn rapidly how to sound as if they have changed during their incarceration, Procnunier said, and there is no way to tell who really has changed and who is acting. To Procnunier, a margin of error must be accepted when dealing with human beings. He confessed that he cringes every time he opens a newspaper for fear of reading about a parolee gone wild, since such an incident would encourage critics like Richardson who want less compassion shown for inmates. If Richardson got his way, in Procnunier's view, "eventually the whole state would be one big prison. If we proceeded with the opposite course of action, we would have anarchy."

Steering between these extremes has made for a pragmatic approach to planning. "The only reason we survive," Procnunier said, "is because we play it day by day. We have reduced the 10-year plan to a 10-minute plan. We try to prepare for contingencies, but it is impossible to predict in this business."

While Adult Authority statistics may indicate that the hard-liners in the prison-reform controversy are winning the struggle, it is actually far from one-sided. Prisoner groups have made major gains — and not all of them by benefit of court decision. The Department of Corrections has gradually increased the frequency of conjugal visits, has maintained a work-furlough program, and offers 150 temporary community leaves a month.

Partisan stalemate

During the Reagan years, a partisan stalemate over prison reform emerged in the Legislature. Whatever changes that have taken place came primarily from court orders and administrative policy changes. The Governor's select committee on law-enforcement problems, which reported its findings last August 1st, recommended increasing prison commitments, eliminating the probation-subsidy program, and assigning top priority to protecting the public. Adult Authority Chairman Brown was a member of that task force. These recommendations run counter to the findings of the National Advisory Commission on Criminal Justice Standards and Goals, which last year found that incarceration is not an effective answer for most criminal offenders. Among other recommendations, the national commission proposed that:

- Prison sentences be limited to five years except for murderers, professional criminals or other dangerous offenders.
- Imprisonment be used only as a last resort after all other alternatives have been explored.
- A 10-year moratorium be placed on all new jail and prison construction.

These differences suggest that, whatever administration assumes office in January, consensus will not come easily. Last September, about 70 prison administrators, judges, defense lawyers, criminologists, former prisoners and others gathered at Berkeley for a Western American Assembly on "prisoners in America". Chairmen of the conference were Eugene C. Lee, director of the Institute of Governmental Studies, and John C. Houlihan, executive director of the Institute for Local Self-Government and himself a former prisoner. Fitzharris was conference director. An attempt was made to reach agreement on a new direction for penology in California, but Lee and Houlihan reported that there was no unanimity on any major point and that, in fact, many participants sharply disagreed with the majority conclusions, which were



highly critical of existing conditions.

Nevertheless, the majority view could provide an insight into what might happen if the Legislature should ever come to grips with the problem and try to enact an omnibus reform bill during a rather liberal administration. The sense of the meeting can be summarized as follows:

- "There is little agreement about the purposes to be served by our penal system. There is considerable agreement that punishments are at one and the same time unduly harsh by contemporary standards and are applied unevenly. The penal system is failing at rehabilitation The medical model of treatment or correction has often resulted in unwarranted extensions of time served."
- The primary purpose of penal sanctions is punishment, which should be related more to the crime than to the criminal.
- Indeterminate sentences have encouraged excessive and unequal confinement in the name of treatment. Discretion should be narrowed, primarily by reducing maximum sentences, though some flexibility could be retained by having the trial court set a fixed term, subject to review by appellate courts.
- Some provision for crediting good-behavior should be established, and this should not be based on rehabilitation.
- Any prison release should be complete and not provisional (as on parole).
- A wide range of vocational and educational services should be provided within and outside prisons — but offered only and not required.
- Prisoners should be given a voice in their own governance, possibly through selection of representatives to advocate changes in prison life. A system of arbitration should be established to resolve differences between prisoners and administrators, and a code of prisoners' rights should be adopted and enforced by grievance procedures.

What all this means is that the entire prison-reform controversy boils down to a fundamental question: Should fewer or more offenders be punished by incarceration for shorter or longer terms? And, between the hard-liners who want prisons packed with long-sentence criminals to protect the public, and those who want institutionalization only when absolutely necessary and then only for as short a period as possible, stands Procnunier, trying on a minute-to-minute basis to keep the prisons cooler than the rhetoric of the reformers.

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